

FEDERAL ENVIRONMENTAL NOTIFICATION & REPORTING REQUIREMENTS HANDBOOK



NOVEMBER 1996

Prepared by

**U.S. DEPARTMENT OF ENERGY
OFFICE OF ENVIRONMENTAL POLICY & ASSISTANCE
RCRA/CERCLA DIVISION
(EH-413)
Washington, D.C.**

Technical support by

**Energetics, Inc.
Columbia, MD**

Chapter 6. The Resource Conservation and Recovery Act

Purpose and Organization

In 1976 Congress remodeled the *Solid Waste Disposal Act*, which dealt with the disposal of nonhazardous waste, into a major new program on hazardous waste. The *Resource Conservation and Recovery Act* (RCRA) outlines the framework for achieving environmentally sound management of both hazardous and nonhazardous wastes. RCRA also promoted resource recovery techniques and methods to reduce the generation of waste. The *Hazardous and Solid Waste Amendments* of 1984 (HSWA) both expanded the scope of RCRA and increased the level of detail in many of its provisions.

RCRA, as amended, contains ten subtitles. Subtitle C (Hazardous Waste Management), Subtitle D (State and Regional Solid Waste Plans), Subtitle I (Regulation of Underground Storage Tanks), and Subtitle J (Demonstration Medical Waste Tracking Program) constitute the regulatory portion of the law. The other subtitles provide the legal and administrative structure for achieving the objectives of the law. The Environmental Protection Agency (EPA), Department of Commerce (DOC), DOE, and Department of the Interior (DOI) each have specific responsibilities under RCRA.

EPA issues guidelines and regulations for proper management of solid wastes, oversees and approves the development of State waste management plans, and provides financial aid to agencies and firms performing research on solid waste. DOC encourages greater commercialization of proven resource recovery technologies. DOE oversees activities involving research and development of new techniques for producing energy from wastes. DOI oversees mineral waste problems, including recovery of metals and minerals and methods for stabilizing mining wastes.

Hazardous Waste Generators

Generators of hazardous waste must notify EPA that the wastes exist and require management in compliance with RCRA. Proper identification and initial management of hazardous wastes promote the success of the "cradle-to-grave" program. Generators must determine if the wastes are hazardous. If so, they must

notify EPA that they are managing a hazardous waste; obtain an EPA identification number for the generating facility; and verify that the transportation, treatment, storage, and disposal of the waste are conducted only by others with EPA numbers. Generators must also prepare the Uniform Hazardous Waste Manifest to accompany shipments of hazardous waste. The manifest includes the name and EPA identification number of persons authorized to manage the waste and serves as a document of accountability to prevent improper disposal. The manifest system promotes self-enforcement of RCRA's requirements.

Materials Regulated under RCRA

Under RCRA, no material can be a hazardous waste without first being a solid waste. RCRA defines a *solid waste* as:

...any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial or mining and agricultural operations, and from community activities...[excluding] ...solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act..., or source, special nuclear, or byproduct material as defined by the Atomic Energy Act [AEA] of 1954.... [Section 1004(27)]

RCRA then defines a *hazardous waste* as:

a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may... cause, or significantly contribute to an increase in mortality or an increase in serious

irreversible, or incapacitating reversible, illness; or... pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. [Section 1004(5)].

Several wastes important to DOE are excluded from the RCRA definition of solid wastes. They include source, special nuclear, or byproduct material as defined by the AEA; waste from extraction, beneficiation, and processing of ores and minerals, including overburden from mining uranium ores; utility wastes; oil and gas drilling muds and brines; and wastes that are reused or recycled, except for the storage and transportation of sludges and listed wastes.

A solid waste is hazardous if it is not excluded by regulation and if it is listed as a hazardous waste, is a waste mixture containing one or more listed hazardous wastes, or exhibits one or more characteristics of hazardous waste (i.e., ignitability, corrosivity, reactivity, or toxicity). Listed wastes meet the definition of *hazardous waste* regardless of the concentration of hazardous constituents. Currently, the only way to have a listed waste relieved from hazardous waste management requirements is to petition EPA to delist the waste. Listed wastes mixed with any other materials are hazardous wastes, and mixtures of characteristic hazardous waste with other materials are considered hazardous waste if they still exhibit the characteristic after being mixed. A characteristic waste remains hazardous only as long as it exhibits the hazardous characteristics.

Treatment, Storage, and Disposal

RCRA requires that every owner or operator of a treatment, storage, or disposal (TSD) facility obtain a permit in order to operate. Congress, recognizing that a permitting program would take time to implement, established an interim permit that allowed hazardous waste management facilities already in place on November 19, 1980, to operate legally without final permits. Managers had to notify EPA that the facility existed and to file a preliminary (Part A) permit application. Interim status ends when the final (Part B) permit is granted or the facility closes. New facilities and those that did not qualify for interim status may not operate without a final Part B permit. Note that, to date, not all final permits have been issued, and interim status

facilities still represent a large segment of regulated TSD facilities.

Each DOE facility that treats, stores, or disposes of hazardous waste must receive a permit (40 CFR Part 270) from EPA or an authorized State agency, except where RCRA permitting requirements are inconsistent with the AEA. However, certain DOE facilities do not require a RCRA permit: (1) generators who accumulate hazardous waste on site for less than 90 days and (2) those who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulation.

Hazardous and Solid Waste Amendments

The 1984 *Hazardous and Solid Waste Amendments* (HSWA) addressed Congressional concern that inadequate or improper controls for management of hazardous waste would increase risks to human health and the environment. HSWA introduced four major changes in RCRA. First Congress restricted land disposal of untreated hazardous waste unless it could be demonstrated that there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous [Section 3004(d)(1)]. Second, facilities were required to adopt "minimum technical requirements" for landfills and surface impoundments to keep hazardous constituents from migrating into groundwater and to permit detection if migration occurs. Third, EPA was granted the authority to require corrective action for releases of hazardous constituents from any solid waste disposal unit at a facility seeking a RCRA permit. Fourth, section 3004(n) required EPA to develop and issue standards designed to control air emissions from units located at hazardous waste TSD facilities including process vents and equipment leaks, as well as tanks, containers, and surface impoundments.

Underground Storage Tanks

Subtitle I (implemented at 40 CFR Part 280), added by HSWA, established a program to regulate the three to five million underground storage tanks (USTs) in the U.S. and to prevent their leaking. Under this subtitle RCRA regulates the storage of a product (e.g., petroleum products), rather than hazardous waste. In addition the substances regulated under Subtitle I include all the hazardous substances (except those

regulated as a hazardous waste under Subtitle C of RCRA) defined under the *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*. *Hazardous substances* under CERCLA encompass a wide variety of items regulated under other Federal statutes including the *Clean Water Act*, *Clean Air Act*, and *Toxic Substances Control Act*. (Radionuclides, which are specifically excluded under RCRA's definition of *solid waste*, are regulated under CERCLA because they are defined as *hazardous air pollutants* under the *Clean Air Act*.) Subtitle I of RCRA regulates USTs containing radioactive materials, unless they are "mixed" with hazardous waste, in which case they are regulated under Subtitle C.

Federal agencies and departments, including DOE, that own or operate USTs are subject to and must comply with all applicable Federal, State, interstate, and local requirements, except when the President determines that exemption of specific tanks from these requirements is in the "paramount" interest of the United States.

States with RCRA Authority

Section 3006 of RCRA authorizes States to develop and enforce their own hazardous waste programs in place of the Federal program administered by EPA. Prior to administering any of the provisions of HSWA, authorized States must again go through the State program approval process.

Notification and Reporting Requirements

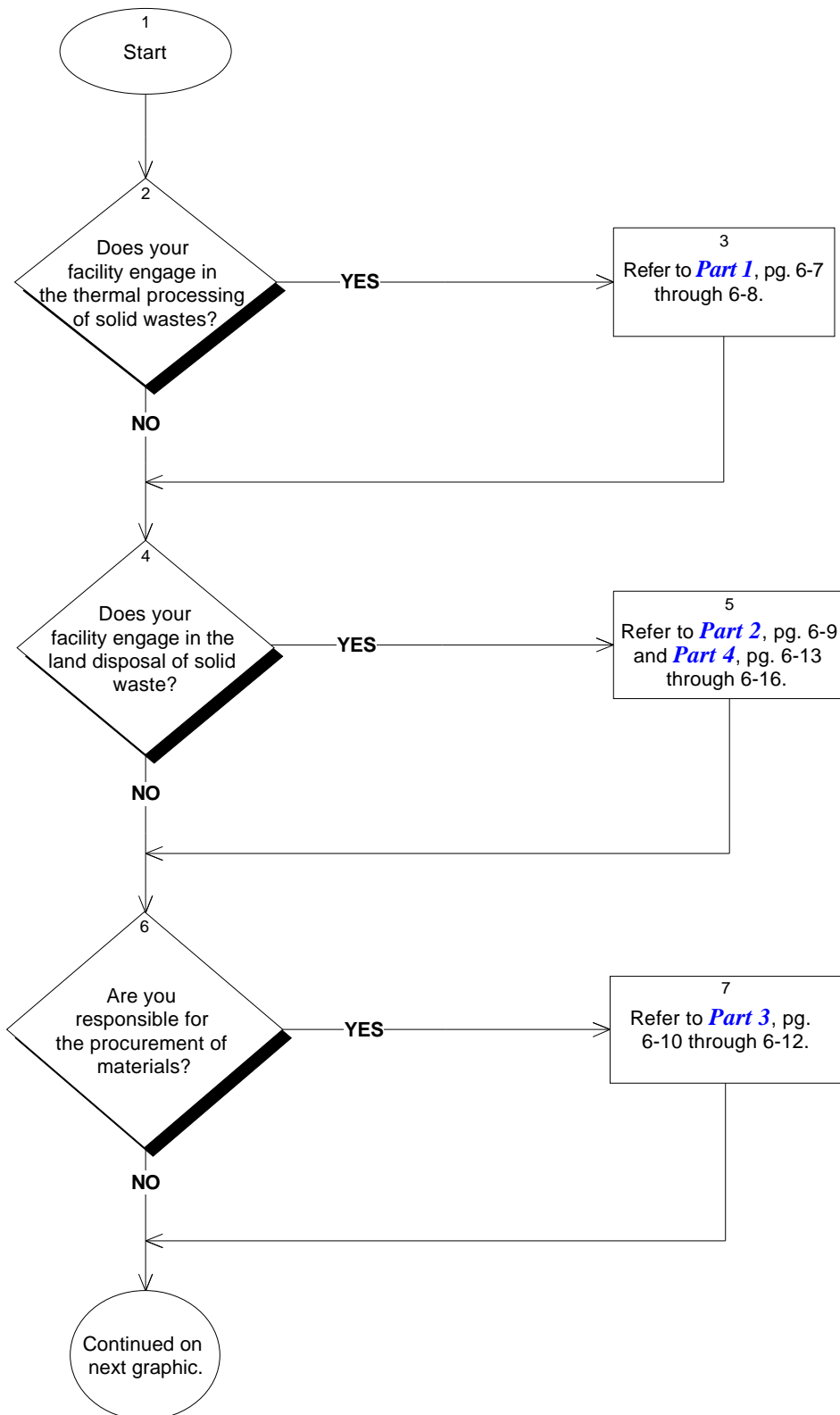
Notification and reporting requirements under RCRA include the following:

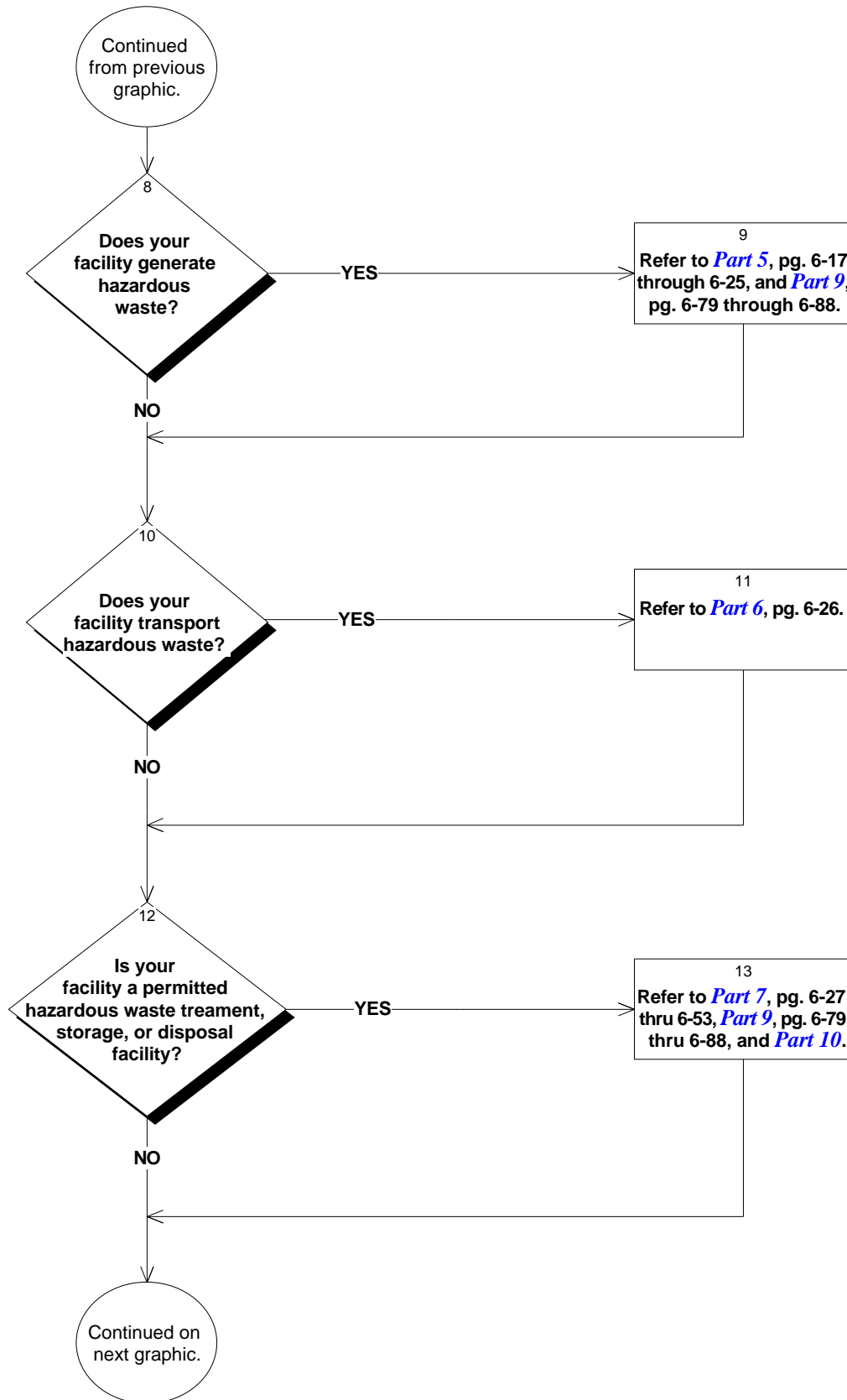
- emergency notifications by small quantity generators (SQGs) and large quantity generators (LQGs);
- manifest exception reporting;
- notifications by hazardous waste exporters;
- reporting hazardous waste discharges by transporters;
- reporting hazardous waste discharges from vessels or facilities;

- reporting by owners/operators of permitted treatment, storage, and disposal (TSD) facilities, including:
 - reports required by use of the manifest system,
 - detection monitoring reports,
 - compliance monitoring reports,
 - corrective action reporting,
 - notification prior to certain hazardous waste tank inspections,
 - reports of noncompliance with volatile organic air emission control requirements, and
 - notification of spills from tank systems or secondary containment, leaks from surface impoundments, leaks from waste piles, leaks from landfills, and air emissions from process vents and equipment leaks;
- reporting by owners/operators of interim status TSD facilities, including:
 - emergency release reporting,
 - biennial reports,
 - ground water monitoring reports,
 - notification prior to certain hazardous waste tank inspections, and
 - notification of spills from tank systems or secondary containment and leaks from waste piles, leaks from landfills, and air emissions from process vents and equipment leaks;
- reporting by generators testing Land Disposal Restrictions (LDR) wastes;
- permit noncompliance reporting;
- reporting by owners/operators of used oil processors; and
- reporting by owners/operators of underground storage tank (UST) systems.

Figure 6, which is equipped with hypertext links, guides the user to the various RCRA notification and reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 6: Resource Conservation and Recovery Act





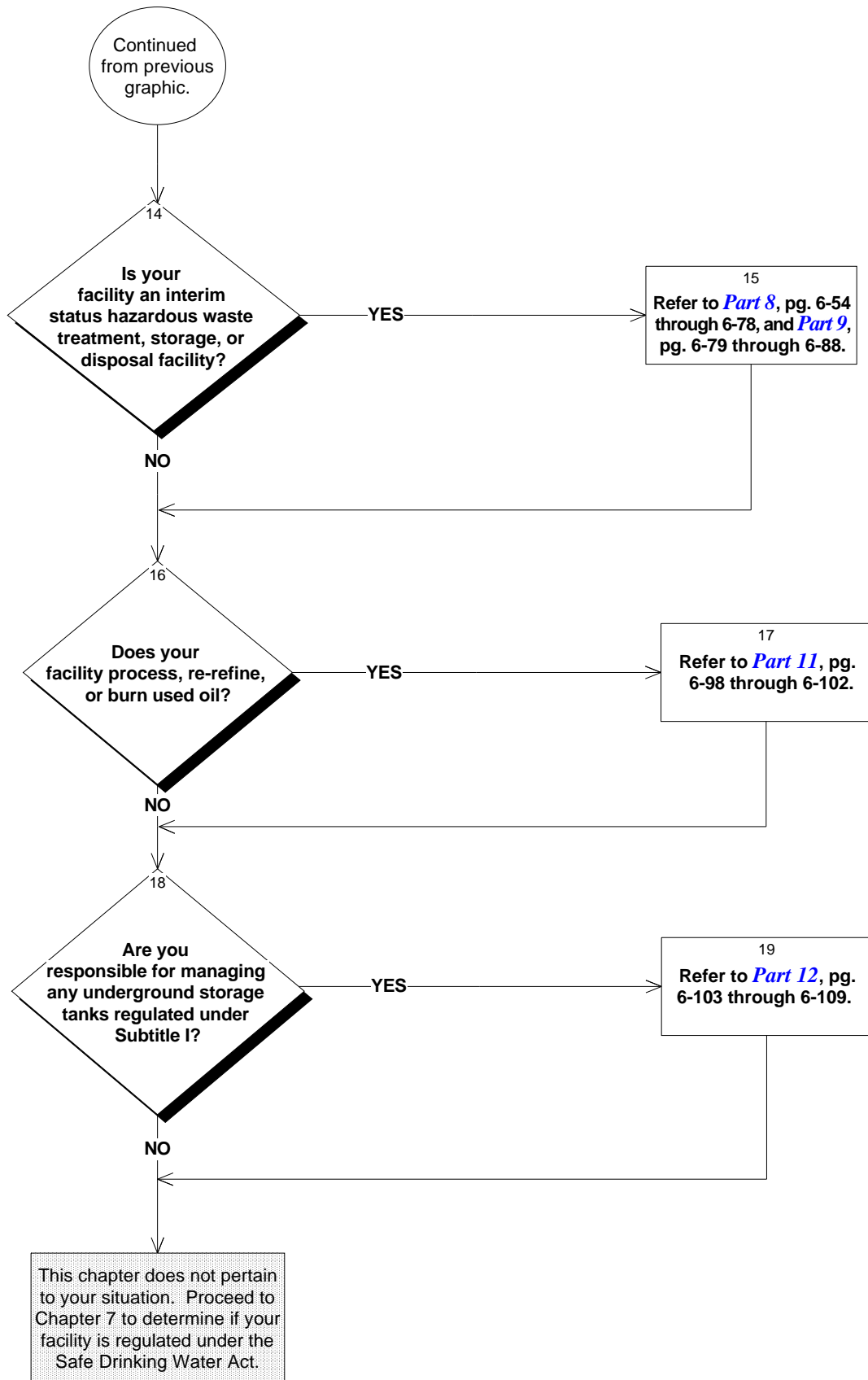


Table 6

Resource Conservation and Recovery Act

Part 1. Guidelines for the Thermal Processing of Solid Wastes

Authorizations

RCRA Section 1008, or 3004

References

40 CFR 240.201-3

References

40 CFR 240.204-3

References

40 CFR 240.211

Thermal Processing - Solid Waste Excluded: Recommended Procedures: Operations

- (a) Regular users of the facility should be given a list of excluded materials. The list should also be displayed prominently at the facility entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the installation and reported to the responsible agency.

Thermal Processing - Water Quality: Recommended Procedures: Operations

- (a) When monitoring instrumentation indicates excessive discharge contamination, appropriate adjustments should be made to lower the concentrations to acceptable levels.
- (b) In the event of an accidental spill, the local regulatory agency should be notified immediately.

Thermal Processing - Records: Recommended Procedures: Operations

- (d) An annual report should be prepared which includes at least the following information:
 - (1) Minimum, average, and maximum daily volume and weight of waste received and processed, summarized on a monthly basis.
 - (2) A summary of the laboratory analyses including at least monthly averages.
 - (3) Number and qualifications of personnel in each job category; total man-hours per week; number of State certified or licensed personnel; staffing deficiencies; and serious injuries, their cause and preventive measures instituted.
 - (4) An identification and brief discussion of major operational problems and solutions.
 - (5) Adequacy of operation and performance with regard to environmental requirements, the general level of housekeeping and maintenance, testing and reporting proficiency, and recommendations for corrective actions.
 - (6) A copy of all significant correspondence, reports, inspection reports, and any other communications from enforcement agencies. Methodology for evaluating the facility's performance should be developed. Evaluation

Table 6

Resource Conservation and Recovery Act

Part 1. Guidelines for the Thermal Processing of Solid Wastes (con't.)

References

40 CFR 240.211 (con't.)

procedures recommended by the U.S. Environmental Protection Agency should be used whenever possible (see bibliography of 40 CFR Part 240).

Table 6

Resource Conservation and Recovery Act

Part 2. Guidelines for the Land Disposal of Solid Wastes

Authorizations

RCRA Section 211

References

40 CFR 241.201-3

References

40 CFR 241.211-3

Land Disposal - Solid Wastes Excluded: Recommended Procedures: Operations

Regular users of the land disposal site should be provided with a list of the materials to be excluded. The list should also be displayed prominently at the site entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the site and reported to the responsible agency.

Land Disposal - Safety: Recommended Procedures: Operations

- (h) Traffic signs or markers should be provided to promote an orderly traffic pattern to and from the discharge area, maintain efficient operating conditions, and, if necessary, restrict access to hazardous areas. Drivers of manually discharging vehicles should not hinder operation of mechanically discharging vehicles. Vehicles should not be left unattended at the working face or along traffic routes. If a regular user persistently poses a safety hazard, he should be barred from the site and reported to the responsible agency.

Table 6

Resource Conservation and Recovery Act

Part 3. Guidelines for Federal Procurement

Authorizations

RCRA Section 6002

References

40 CFR 248.24

References

40 CFR 249.31

References

40 CFR 250.24

Procurement of Building Insulation Products Containing Recovered Materials - Annual Review and Monitoring

- (c) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make these reports available to the public. The reports should contain the following information:
 - (1) If the case-by-case approach or a substantially equivalent alternative is being used, a discussion of how the procuring agency's approach procures building insulation products containing recovered materials to the maximum extent practicable. The basis for this discussion should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.
 - (2) If the minimum content standards approach is being used, a discussion of whether the minimum content standards in use should be raised, lowered, or remain constant for each item. The basis for this discussion should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.
 - (3) Documentation of specification revisions made during the year.

Procurement of Cement and Concrete Containing Fly Ash - Recommendations for Documentation

- (a) The supplier's certification of fly ash content should not require separate reporting forms, but should make use of existing mechanisms, such as a statement contained in a signed bid document or a mix design proposal.
- (b) In cases where the purchase of cement or concrete is not under the direct control of the procuring agency, as in the case of certain indirect purchases, the fly ash content of the cement or concrete purchased and quantity of fly ash used should be made available to the procuring agency.

Procurement of Paper and Paper Products Containing Recovered Materials - Annual Review and Monitoring

- (c) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make the report available to the public. The report should contain the following information:

Table 6

Resource Conservation and Recovery Act

Part 3. Guidelines for Federal Procurement (con't.)

References

40 CFR 250.24 (con't.)

- (1) If the case-by-case approach is being used, a demonstration that they procure paper and paper products containing post-consumer recovered materials to the maximum extent practicable. The basis for this determination should be a review of the data compiled on recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.
- (2) If the minimum content standards approach is being used, a determination of whether the minimum content standards in use should be raised, lowered, or remain constant for each item. The basis for these determinations should be a review of the data compiled on post-consumer recovered materials content, price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.
- (3) Documentation of specification revisions made during the year.

References

40 CFR 252.24

Procurement of Lubricating Oils Containing Re-refined Oil - Annual Review and Monitoring

- (d) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make it available to the public. The report should include:
 - (1) (i) A discussion of the procuring agency's decision to raise or lower the minimum content standards in use, if the agency uses the minimum content standards approach, or
 - (ii) A demonstration that the procuring agency's use of the case-by-case approach or a substantially equivalent alternative satisfies the requirement to procure lubricating oils containing re-refined oil to the maximum extent practicable; and
 - (2) Documentation of specification revisions made during the reporting period.

References

40 CFR 253.24

Procurement of Retread Tires - Annual Review and Monitoring

- (b) Procuring agencies should prepare a report on their annual review and monitoring of the effectiveness of their procurement programs and make these reports available to the public. The reports should contain the following information:

Table 6

Resource Conservation and Recovery Act

Part 3. Guidelines for Federal Procurement (con't.)

References

40 CFR 253.24 (con't.)

- (1) A discussion of how the procuring agency's approach procures retread tires or tire retreading services to the maximum extent practicable. The basis for this discussion should be a review of the data compiled on price, availability, and performance, as well as a comparison of estimates and certifications provided by the vendors.
- (2) Documentation of specification revisions made during the year.

Table 6

Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills

Authorizations

RCRA Section 3004

References

40 CFR 258.10

References

40 CFR 258.20

Location Restrictions - Airport Safety

- (b) Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA).
- (c) The owner or operator must place the demonstration in paragraph (a) of 40 CFR Part 258.10 in the operating record and notify the State Director that it has been placed in the operating record.
- (d) For purposes of this section:
 - (1) Airport means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
 - (2) Bird hazard means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

Operating Criteria - Procedures for Excluding the Receipt of Hazardous Waste

- (a) Owners or operators of all MSWLF units must implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes as defined in {40 CFR Part 261} and polychlorinated biphenyls (PCB) wastes as defined in 40 CFR Part 761. This program must include, at a minimum:
 - (1) Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes.
 - (2) Records of any inspections.
 - (3) Training of facility personnel to recognize regulated hazardous waste and PCB wastes.
 - (4) Notification of State Director of authorized States under Subtitle C of RCRA or the EPA Regional Administrator if in an unauthorized State if a regulated hazardous waste or PCB waste is discovered at the facility.

Table 6

Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills (con't.)

References

40 CFR 258.20 (con't.)

References

40 CFR 258.29

- (b) For purposes of this section, regulated hazardous waste means a solid waste that is a hazardous waste, as defined in 40 CFR 261.3, that is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b) or was not generated by a conditionally exempt small quantity generator as defined in 40 CFR 261.5 of this chapter.

Operating Criteria - Recordkeeping Requirements

- (a) The owner or operator of a MSWLF unit must record and retain near the facility in an operating record or in an alternative location approved by the Director of an approved State the following information as it becomes available:
- (1) Any location restriction demonstration required under Subpart B of 40 CFR Part 258.
 - (2) Inspection records, training procedures, and notification procedures required in 40 CFR 258.20.
 - (3) Gas monitoring results from monitoring and any remediation plans required by 40 CFR 258.23.
 - (4) Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under 40 CFR 258.28(a)(2).
 - (5) Any demonstration, certification, finding, monitoring, testing, or analytical data required by Subpart E of 40 CFR Part 258.
 - (6) Closure and post-closure care plans and any monitoring, testing, or analytical data as required by 40 CFR 258.60 and 258.61.
 - (7) Any cost estimates and financial assurance documentation required by Subpart G of 40 CFR Part 258.
 - (8) Any information demonstrating compliance with the small community exemption as required by 40 CFR 258.1(f)(2).
- (b) The owner/operator must notify the State Director when the documents from paragraph (a) of this section have been placed {in} or added to the operating record, and all information contained in the operating record must be furnished upon request to the State Director or be made available at all reasonable times for inspection by the State Director.

Table 6

Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills (con't.)

References

40 CFR 258.55

Groundwater Monitoring and Corrective Action - Assessment Monitoring Program

- (d) After obtaining the results from the initial or subsequent sampling events required in {40 CFR 258.55(b)}, the owner or operator must:
 - (1) Within 14 days, place a notice in the operating record identifying the Appendix II constituents that have been detected and notify the State Director that this notice has been placed in the operating record.
 - (2) Within 90 days, and on at least a semiannual basis thereafter, resample all wells specified by 40 CFR 258.51(a), conduct analyses for all constituents in Appendix I to 40 CFR Part 258 or in the alternative list approved in accordance with 40 CFR 258.54(a)(2), and for those constituents in Appendix II to 40 CFR Part 258 that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. At least one sample from each well (background and down gradient) must be collected and analyzed during these sampling events. The Director of an approved State may specify an alternative monitoring frequency during the active life (including closure) and the post-closure period for the constituents referred to in this paragraph. The alternative frequency for Appendix I constituents, or the alternative list approved in accordance with 40 CFR 258.54(a)(2), during the active life (including closure) shall be no less than annual. The alternative frequency shall be based on consideration of the factors specified in paragraph (c) of 40 CFR 258.55.
 - (3) Establish background concentrations for any constituents detected pursuant to paragraph (b) or (d)(2) of 40 CFR 258.55.
 - (4) Establish ground-water protection standards for all constituents detected pursuant to paragraph (b) or (d) of {40 CFR 258.53}. The ground-water protection standards shall be established in accordance with paragraphs (h) or (i) of 40 CFR 258.55.
- (e) If the concentrations of all Appendix II constituents are shown to be at or below background values, using the statistical procedures in 40 CFR 258.53(g), for two consecutive sampling events, the owner or operator must notify the State Director of this finding and may return to detection monitoring.
- (f) If the concentrations of any Appendix II constituents are above background values, but all concentrations are below the ground-water protection standard established under paragraphs (h) or (i) of 40 CFR Part 258, using the statistical

Table 6

Resource Conservation and Recovery Act

Part 4. Criteria for Municipal Solid Waste Landfills (con't.)

References

40 CFR 258.55 (con't.)

procedures in 40 CFR 258.53(g), the owner or operator must continue assessment monitoring in accordance with this section.

- (g) If one or more Appendix II constituents are detected at statistically significant levels above the ground-water protection standard established under paragraphs (h) or (i) of 40 CFR Part 258 in any sampling event, the owner or operator must, within 14 days of this finding, place a notice in the operating record identifying the Appendix II constituents that have exceeded the ground-water protection standard and notify the State Director and all appropriate local government officials that the notice has been placed in the operating record. The owner or operator also:
- (1)
 - (i) Must characterize the nature and extent of the release by installing additional monitoring wells as necessary,
 - (ii) Must install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with 40 CFR 258.55(d)(2),
 - (iii) Must notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with 40 CFR 258.55 (g)(1), and
 - (iv) Must initiate an assessment of corrective measures as required by 40 CFR 255.56 within 90 days, or
 - (2) May demonstrate that a source other than a MSWLF unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground-water quality. A report documenting this demonstration must be certified by a qualified ground-water scientist or approved by the Director of an approved State and placed in the operating record. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to 40 CFR 258.55, and may return to detection monitoring if the Appendix II constituents are at or below background as specified in 40 CFR 258.55(e). Until a successful demonstration is made, the owner or operator must comply with 40 CFR 258.55(g) including initiating an assessment of corrective measures.

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste

Authorizations

RCRA Section 3002

References

40 CFR 262.34

Accumulation Time

- (d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:
- (5) (i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified. This employee is the emergency coordinator.
 - (iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:
 - (A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher.
 - (B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil.
 - (C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the NRC (using their 24-hour toll free number 800/424-8802). The report must include the following information:
 - (1.) The name, address, and U.S. EPA Identification Number of the generator.
 - (2.) Date, time, and type of incident (e.g., spill or fire).
 - (3.) Quantity and type of hazardous waste involved in the incident.
 - (4.) Extent of injuries, if any.
 - (5.) Estimated quantity and disposition of recovered materials, if any.

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.34 (con't.)

Authorizations

RCRA Sections 3002 and 3004(n)

References

40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii)
[40 CFR 262.34(a)(1)(ii) requires compliance with tank standards including 40 CFR 265.202. Section 265.202 requires hazardous wastes be managed in a tank in accordance with 40 CFR 265, Subpart CC including 265.1085(e)(3)(iv) and (f)(3)(iii).]

- (e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that he or she complies with the requirements of paragraph (d) above.

Air Emission Standards for Hazardous Waste Tanks and Containers - Standards: Tanks

- (e) (3) The owner or operator shall inspect the *internal floating roof* in accordance with the procedures specified as follows:
- (iv) Prior to each inspection required by paragraph (e)(3)(ii) or (e)(3)(iii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:
- (A) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (e)(3)(iv)(B) of this section.
- (B) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 265.1085(e)(3)(iv) and
(f)(3)(iii) (con't.)

- | | | |
|-----|-------|--|
| (f) | (3) | The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows: |
| | (iii) | <p>Prior to each inspection required by paragraph (f)(3)(i) or (f)(3)(ii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:</p> <p>(A) Prior to each inspection to measure external floating roof seal gaps as required under paragraph (f)(3)(i) of this section, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before the date the measurements are scheduled to be performed.</p> <p>(B) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (f)(3)(iii)(C) of this section.</p> <p>(C) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.</p> |

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.41

Biennial Report

- (a) A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year, and must include the following information:
- (1) The EPA identification number, name, and address of the generator.
 - (2) The calendar year covered by the report.
 - (3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year.
 - (4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States.
 - (5) A description, EPA hazardous waste number (from 40 CFR part 261, Subpart C or D), Department of Transportation (DOT) hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA identification number of each off-site facility to which waste was shipped.
 - (6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
 - (7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.41 (con't.)

References

40 CFR 262.42

(8) The certification signed by the generator or authorized representative.

- (b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering these wastes in accordance with the provisions of 40 CFR Parts 270, 264, 265, and 266. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at 40 CFR 262.56.

Exception Reporting

- (a) (1) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.
- (2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he or she has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

The exception report must include:

- (i) A legible copy of the manifest for which the generator does not have confirmation of delivery.
- (ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- (b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the region in which the generator is located.

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.44

Special Requirements for Generators of Between 100 and 1000 kilograms/month

A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is subject only to the following requirements:

- (a) Section 262.40 (Recordkeeping).
- (b) Section 262.42(b) (Exception Reporting).
- (c) Section 262.43 (Additional Reporting).

References

40 CFR 262.53

Notification of Intent to Export

- (a) A primary exporter of hazardous waste must notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped offsite. This notification may cover export activities extending over a 12 month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:
 - (1) Name, mailing address, telephone number and EPA ID number of the primary exporter.
 - (2) By consignee, for each hazardous waste type:
 - (i) A description of the hazardous waste and the EPA hazardous waste number, U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous waste as identified in 49 CFR Parts 171 through 177.
 - (ii) The estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported.
 - (iii) The estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22).

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.53 (con't.)

- (iv) All points of entry to and departure from each foreign country through which the hazardous waste will pass.
- (v) A description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.).
- (vi) A description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g. land or ocean incineration, other land disposal, ocean dumping, recycling).
- (vii) The name and site address of the consignee and any alternate consignee.
- (viii) The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling there.

- (b) Notification shall be sent to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460 with "Attention: Notification to Export" prominently displayed on the front of the envelope.

Special Manifest Requirements

- (g) In lieu of the requirements of 40 CFR 262.20(d), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:
 - (1) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with 40 CFR 262.53(c) and obtain an EPA Acknowledgment of Consent prior to delivery, or
 - (2) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States, and
 - (3) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

References

40 CFR 262.54

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.55

Exception Reports

In lieu of the requirements of 40 CFR 262.42, a primary exporter must file an exception report with the Administrator if:

- (a) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter.
- (b) Within ninety (90) days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received.
- (c) The waste is returned to the United States.

References

40 CFR 262.56

Annual Reports

- (a) Primary exporters of hazardous waste shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:
 - (1) The EPA identification number, name, and mailing and site address of the exporter.
 - (2) The calendar year covered by the report.
 - (3) The name and site address of each consignee.
 - (4) By consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from 40 CFR Part 261, Subpart C or D), DOT hazard class, the name and US EPA ID number (where applicable) for each transporter used, and the total number of shipments pursuant to each notification.
 - (5) Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, unless provided pursuant to 40 CFR 262.41 (as described above), in even numbered years:

Table 6

Resource Conservation and Recovery Act

Part 5. Standards Applicable to Generators of Hazardous Waste (con't.)

References

40 CFR 262.56 (con't.)

- (i) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated, and
- (ii) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

- (6) A certification signed by the primary exporter which states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

- (b) Reports shall be sent to the following address: Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460.

Table 6

Resource Conservation and Recovery Act

Part 6. Standards Applicable to Transporters of Hazardous Waste

Authorizations

RCRA Section 3003

References

40 CFR 263.30

Immediate Action

- (a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).
- (b) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.
- (c) An air, rail, highway, or water transporter who has discharged hazardous waste must:
 - (1) Give notice, if required by 49 CFR 171.15, to the NRC (800-424-8802 or 202-426-2675).
 - (2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.
- (d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.



33 CFR 153.203

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of Section 311(b)(3) (see below) of the Act, immediately notify the NRC, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593, toll free telephone number 800-424-8802 (in Washington, DC metropolitan area, 202-426-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal (TSD) Facilities

Authorizations

RCRA Section 3004

References

40 CFR 264.12

References

40 CFR 264.56

General Facility Standards - Required Notices

- (a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- (b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.
- (c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this part and 40 CFR Part 270. [Comment: An owner's or operator's failure to notify the new owner or operator of the requirements of this part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.]

Contingency Plan and Emergency Procedures - Emergency Procedures

- (a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:
 - (1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel, and
 - (2) Notify appropriate State or local agencies with designated response roles if their help is needed.
- (d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report the findings as follows:
 - (1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify the appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.56 (con't.)

- (2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under {40 CFR} Part 1510) or the NRC (using their 24-hour toll free number 800/424-8802). The report must include:
 - (i) Name and telephone number of reporter.
 - (ii) Name and address of facility.
 - (iii) Time and type of incident (e.g., release, fire).
 - (iv) Name and quantity of material(s) involved, to the extent known.
 - (v) The extent of injuries, if any.
 - (vi) The possible hazards to human health, or the environment, outside the facility.
- (h) The emergency coordinator must ensure that, in the affected area(s) of the facility:
 - (1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed, and
 - (2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- (i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with paragraph (h) of this section before operations are resumed in the affected area(s) of the facility.
- (j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:
 - (1) Name, address, and telephone number of the owner or operator.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.56 (con't.)

- (2) Name, address, and telephone number of the facility.
- (3) Date, time, and type of incident (e.g., fire, explosion).
- (4) Name and quantity of material(s) involved.
- (5) The extent of injuries, if any.
- (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable.
- (7) Estimated quantity and disposition of recovered material that resulted from the accident.

References

40 CFR 264.72

Manifest System, Recordkeeping, and Reporting - Applicability

The regulations in this subpart apply to owners and operators of both on-site and off-site facilities, except as 40 CFR 264.1 provides otherwise. Sections 264.71, 264.72, and 264.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources. Section 264.73(b) only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

Manifest System, Recordkeeping, and Reporting - Manifest Discrepancies

- (a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantify are:
 - (1) For bulk waste, variations greater than 10 percent in weight, and
 - (2) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.72 (con't.)

- (b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

References

40 CFR 264.75

Manifest System, Recordkeeping, and Reporting - Biennial Report

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA form 8700-13B. The report must cover facility activities during the previous calendar year and must include:

- (a) The EPA identification number, name, and address of the facility.
- (b) The calendar year covered by the report.
- (c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator.
- (d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator.
- (e) The method of treatment, storage, or disposal for each hazardous waste.
- (g) The most recent closure cost estimate under 40 CFR 264.142, and, for disposal facilities, the most recent post-closure cost estimate under 40 CFR 264.144.
- (h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.75 (con't.)

- (i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.
- (j) The certification signed by the owner or operator of the facility or his authorized representative.

References

40 CFR 264.76

Manifest System, Recordkeeping, and Reporting - Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 40 CFR 263.20(e)(2) of this chapter, and if the waste is not excluded from the manifest requirement by 40 CFR 261.5 of this chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-1 3B. Such report must be designated "Unmanifested Waste Report" and include the following information:

- (a) The EPA identification number, name, and address of the facility.
- (b) The date the facility received the waste.
- (c) The EPA identification number, name, and address of the generator and the transporter, if available.
- (d) A description and the quantity of each unmanifested hazardous waste and facility received.
- (e) The method of treatment, storage, or disposal for each hazardous waste.
- (f) The certification signed by the owner or operator of the facility or his authorized representative.
- (g) A brief explanation of why the waste was unmanifested, if known.

[Comment: Small quantities of hazardous waste are excluded from regulation under this part and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Agency suggests that the owner or operator obtain

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.76 (con't.)

from each generator a certification that the waste qualifies for exclusion. Otherwise, the Agency suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.]

References

40 CFR 264.77

Manifest System, Recordkeeping, and Reporting - Additional Reports

In addition to submitting the biennial reports and unmanifested waste reports described in 40 CFR 264.75 and 264.76, the owner or operator must also report {the following} to the Regional Administrator:

- (a) Releases, fires, and explosions as specified in 40 CFR 264.56(j).
- (b) Facility closures specified in 40 CFR 264.115.
- (c) As otherwise required by 40 CFR 264.90 - 101 (monitoring and corrective action), 264.220 - 317 (TSD unit specific requirements), and 264.1030 - 1066 (air emission standards for process vents and equipment leaks.)

References

40 CFR 264.98

Releases From Solid Waste Management Units - Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this subpart must, at a minimum, discharge the following responsibilities:

- (g) If the owner or operator determines pursuant to [264.98(f)] that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to paragraph (a) of 40 CFR 264.98 at any monitoring well at the compliance point, he or she must:
 - (1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination.
 - (2) Immediately sample the ground water in all monitoring wells and determine whether constituents in the list of Appendix IX of Part 264 are present, and if so, in what concentration.
 - (3) For any Appendix IX compounds found in the analysis pursuant to paragraph (g)(2) of this section, the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.98 (con't.)

second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to paragraph (g)(2) of this section, the hazardous constituents found during this initial Appendix IX analysis will form the basis for compliance monitoring.

- (4) Within 90 days, submit to the Regional Administrator an application for a permit modification to establish a compliance monitoring program meeting the requirements of 40 CFR 264.99. The application must include the following information:
 - (i) An identification of the concentration of any Appendix IX constituent detected in the ground water at each monitoring well at the compliance point.
 - (ii) Any proposed changes to the ground-water monitoring system at the facility necessary to meet the requirements of 40 CFR 264.99.
 - (iii) Any proposed additions or changes to the monitoring frequency, sampling, and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of 40 CFR 264.99.
 - (iv) For each hazardous constituent detected at the compliance point, a proposed concentration limit under 40 CFR 264.94(a)(1) or (2), or a notice of intent to seek an alternative concentration limit under 40 CFR 264.94(b).
- (5) Within 180 days, submit to the Regional Administrator:
 - (i) All data necessary to justify an alternative concentration limit sought under 40 CFR 264.94(b), and
 - (ii) An engineering feasibility plan for a corrective action program necessary to meet the requirement of 40 CFR 264.100, unless:
 - (A) All hazardous constituents identified under paragraph (g)(2) of this section are listed in Table 1 of 40 CFR 264.94 and their concentrations do not exceed the respective values given in that Table, or

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.98 (con't.)

(B) The owner or operator has sought an alternative concentration limit under 40 CFR 264.94(b) for every hazardous constituent identified under paragraph (g)(2) of this section.

(6) If the owner or operator determines, pursuant to paragraph (f) of this section, that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to paragraph (a) of 40 CFR 264.98 at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. The owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (g)(4) of this section; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (g)(4) of this section unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator must:

- (i) Notify the Regional Administrator in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this paragraph.
- (ii) Within 90 days, submit a report to the Regional Administrator which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation.

References

40 CFR 264.99

Releases from Solid Waste Management Units - Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under 40 CFR Part 264 must, at a minimum, discharge the following responsibilities:

(g) The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix IX of 40 CFR Part 264 at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in 40 CFR 264.98(f). If the owner or operator finds Appendix IX constituents in the ground water that are not already identified in the permit as

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.99 (con't.)

monitoring constituents, the owner or operator may resample within one month and repeat the Appendix IX analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the Regional Administrator within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constituents to the Regional Administrator within seven days after completion of the initial analysis and add them to the monitoring list.

- (h) If the owner or operator determines pursuant to paragraph (d) of {40 CFR 264.99} that any concentration limits under 40 CFR 264.94 are being exceeded at any monitoring well at the point of compliance he or she must:
 - (1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.
 - (2) Submit to the Regional Administrator an application for a permit modification to establish a corrective action program meeting the requirements of 40 CFR 264.100 within 180 days or within 90 days if an engineering feasibility study has been previously submitted to the Regional Administrator under 40 CFR 264.98(h)(5). The application must at a minimum include the following information:
 - (i) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under paragraph (a) of {40 CFR 264.99}.
 - (ii) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.
- (i) If the owner or operator determines, pursuant to paragraph (d) of {40 CFR 264.99}, that the groundwater concentration limits under this section are being exceeded at any monitoring well at the point of compliance, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling analysis, or statistical evaluation, or natural variation in the groundwater. In making a demonstration under this paragraph, the owner or operator must:

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.99 (con't.)

- (1) Notify the Regional Administrator in writing within seven days that he intends to make a demonstration under this paragraph.
- (2) Within 90 days, submit a report to the Regional Administrator which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation.
- (3) Within 90 days, submit to the Regional Administrator an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility.
- (4) Continue to monitor in accord with the compliance monitoring program established under this section.
- (j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirement of this section, he must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

References

40 CFR 264.100

Releases from Solid Waste Management Units - Corrective Action Program

An owner or operator required to establish a corrective action program under this Subpart must, at a minimum, discharge the following responsibilities:

- (g) The owner or operator must report in writing to the Regional Administrator on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.
- (h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

References

40 CFR 264.112

Closure and Post-Closure - Closure Plan: Amendment of Plan

- (c) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.112 (con't.)

procedures in 40 CFR Parts 124 and 270. The written notification or request must include a copy of the amended closure plan for review or approval by the Regional Administrator.

- (1) The owner or operator may submit a written notification or request to the Regional Administrator for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.
- (2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
 - (i) Changes in operating plans or facility design affect the closure plan, or
 - (ii) There is a change in the expected year of closure, if applicable, or
 - (iii) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.
- (3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under 40 CFR 264.228(c)(1)(i) or 40 CFR 264.258(c)(1)(i), must submit an amended closure plan to the Regional Administrator no later than 60 days from the date that the owner or operator or Regional Administrator determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of 40 CFR 264.310, or no later than 30 days from that date if the determination is made during partial or final closure. The Regional Administrator will approve, disapprove, or modify this amended plan in accordance with the procedures in parts 124 and 270. In accordance with 40 CFR 270.32 of this chapter, the approved closure plan will become a condition of any RCRA permit issued.
- (4) The Regional Administrator may request modifications to the plan under the conditions described in 40 CFR 264.112(c)(2). The owner or operator must submit the modified plan within 60 days of the Regional Administrator's

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.112 (con't.)

request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Regional Administrator will be approved in accordance with the procedures in parts 124 and 270.

(d) Notification of Partial Closure and Final Closure.

- (1) The owner or operator must notify the Regional Administrator in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.
- (2) The date when he "expects to begin closure" must be either:
 - (i) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. If the owner or operator of a hazardous waste management unit can demonstrate to the Regional Administrator that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Regional Administrator may approve an extension to this one-year limit; or
 - (ii) For units meeting the requirements of 40 CFR 264.113(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator can demonstrate to the Regional Administrator that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.112 (con't.)

compliance with all applicable permit requirements, the Regional Administrator may approve an extension to this one-year limit.

- (3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order under Section 3008 of RCRA, to cease receiving hazardous wastes or to close, then the requirements of this paragraph do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in 40 CFR 264.113.

- (e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

References

40 CFR 264.113

Closure and Post-Closure - Closure: Time Allowed for Closure

- (5) During the period of corrective action of a surface impoundment, the owner or operator shall provide semi-annual reports to the Regional Administrator that describe the progress of the corrective action program, compile all ground-water monitoring data, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

References

40 CFR 264.118

Closure and Post-Closure - Post Closure Plan: Amendment of Plan

- (d) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements in 40 CFR Parts 124 and 270. The written notification or request must include a copy of the amended post-closure plan for review or approval by the Regional Administrator.
 - (1) The owner or operator may submit a written notification or request to the Regional Administrator for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.
 - (2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan whenever:

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.118 (con't.)

- (i) Changes in operating plans or facility design affect the approved post-closure plan, or
 - (ii) There is a change in the expected year of final closure, if applicable, or
 - (iii) Events which occur during the active life of the facility, including partial and final closures, affect the approved post-closure plan.
- (3) The owner or operator must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure plan under 40 CFR 264.228(c)(1)(ii) and 264.258(c)(1)(ii) must submit a post-closure plan to the Regional Administrator no later than 90 days after the date that the owner or operator or Regional Administrator determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of 40 CFR 264.310. The Regional Administrator will approve, disapprove or modify this plan in accordance with the procedures in 40 CFR Parts 124 and 270. In accordance with 40 CFR 270.32, the approved post-closure plan will become a permit condition.
- (4) The Regional Administrator may request modifications to the plan under the conditions described in 40 CFR 264.118(d)(2). The owner or operator must submit the modified plan no later than 60 days after the Regional Administrator's request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure plan. Any modifications requested by the Regional Administrator will be approved, disapproved, or modified in accordance with the procedures in 40 CFR Parts 124 and 270.

References

40 CFR 264.119

Closure and Post-Closure - Post-Closure Notices

- (a) No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Regional Administrator a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.119 (con't.)

- (b) Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator must:
 - (1) Record, in accordance with State law, a notation on the deed to the facility property or on some other instrument which is normally examined during title search that will in perpetuity notify any potential purchaser of the property that:
 - (i) The land has been used to manage hazardous wastes; and
 - (ii) Its use is restricted under 40 CFR Subpart G regulations; and
 - (iii) The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by 40 CFR 264.116 and 264.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Regional Administrator; and
 - (2) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in paragraph (b)(1) of this section, including a copy of the document in which the notation has been placed, to the Regional Administrator.
- (c) If the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, he must request a modification to the post-closure permit in accordance with the applicable requirements 40 CFR Parts 124 and 270. The owner or operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of 40 CFR 264.117(c). By removing hazardous waste, the owner or operator may become generator of hazardous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the Regional Administrator approve either:
 - (1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.119 (con't.)

References

40 CFR 264.193

References

40 CFR 264.196

- (2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

Tank Systems - Containment and Detection of Releases

- (h) The following procedures must be followed in order to request a variance from secondary containment:

- (1) The Regional Administrator must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (g) of 40 CFR 264.119 according to the following schedule:
 - (i) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with paragraph (a) of 40 CFR 264.119.
 - (ii) For new tank systems, at least 30 days prior to entering into a contract for installation.
- (2) As part of the notification, the owner or operator must also submit to the Regional Administrator a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in paragraph (g)(1) or paragraph (g)(2) of 40 CFR 264.119.
- (3) The demonstration for a variance must be completed within 180 days after notifying the Regional Administrator of an intent to conduct the demonstration.

Tank Systems - Response to Leaks or Spills and Disposition of Leaking or Unfit-For-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

- (d) (1) Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of its detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.196 (con't.)

- (2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:
 - (i) Less than or equal to a quantity of one (1) pound; and
 - (ii) Immediately contained and cleaned up.
- (3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:
 - (i) Likely route of migration of the release.
 - (ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate).
 - (iii) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available.
 - (iv) Proximity to down gradient drinking water, surface water, and populated areas.
 - (v) Description of response actions taken or planned.

References

40 CFR 264.223

Surface Impoundments - Response Actions

If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

- (1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.
- (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.
- (3) Determine to the extent practicable the location, size, and cause of any leak.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.223 (con't.)

- (4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed.
- (5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.
- (6) Within 30 days after the notification that the leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

References

40 CFR 264.227

Surface Impoundments - Emergency Repairs; Contingency Plans

- (a) A surface impoundment must be removed from service when:
 - (1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment.
 - (2) The dike leaks.
- (b) When a surface impoundment must be removed from service as required by paragraph (a) of this section, the owner or operator must:
 - (6) Notify the Regional Administrator of the problem in writing within seven days after detecting the problem.

References

40 CFR 264.253

Waste Piles - Response Actions

- (a) The owner or operator of waste pile units subject to 40 CFR 264.251(c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specifically in paragraph (b) of this section.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.253 (con't.)

- (b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:
- (1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.
 - (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short term actions taken and planned.
 - (3) Determine to the extent practicable the location, size, and cause of any leak.
 - (4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed.
 - (5) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks.
 - (6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned.

References

40 CFR 264.278

Land Treatment - Unsaturated Zone Monitoring

An owner or operator subject to this subpart must establish an unsaturated zone monitoring program to discharge the following responsibilities:

- (g) If the owner or operator determines, pursuant to paragraph (f) of this section (see above), that there is a statistically significant increase of hazardous constituents below the treatment zone, he or she must:
- (1) Notify the Regional Administrator of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.278 (con't.)

- (2) Within 90 days, submit to the Regional Administrator an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.
- (h) If the owner or operator determines, pursuant to paragraph (f) of 40 CFR 264.278, that there is a statistically significant increase of hazardous constituents below the treatment zone, he or she may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under paragraph (g)(2) of 40 CFR 264.278 (see above), he or she is not relieved of the requirement to submit a permit modification application within the time specified in paragraph (g)(2) of 40 CFR 264.278 unless the demonstration made under this paragraph successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator must:
 - (1) Notify the Regional Administrator in writing within seven days of determining a statistically significant increase below the treatment zone that he or she intends to make a determination under this paragraph.
 - (2) Within 90 days, submit a report to the Regional Administrator demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation.
 - (3) Within 90 days, submit to the Regional Administrator an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility.
 - (4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this section.

References

40 CFR 264.304

Landfills - Response Actions

- (a) Owners or operators of landfill units subject to 40 CFR 264.301 (c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.
- (b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.304 (con't.)

- (1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.
- (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.
- (3) Determine to the extent practicable the location, size, and cause of any leak.
- (4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed.
- (5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.
- (6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of action taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.

References

40 CFR 264.1036

Emission Standards for Process Vents - Reporting Requirements

- (a) A semiannual report shall be submitted by owners and operators subject to the requirements of this subpart to the Regional Administrator by dates specified by the Regional Administrator. The report shall include the following information:
 - (1) The EPA identification number, name, and address of the facility.
 - (2) For each month during the semiannual reporting period, dates when the control device exceeded or operated outside of the design specifications as defined in 40 CFR 264.1035(c)(4) and as indicated by the control device monitoring required by 40 CFR 264.1033(c)(1) and such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions as defined in 40 CFR 264.1033(d) and as determined by Method 22 monitoring, the duration and cause of each exceedance or visible emissions, and any corrective measures taken.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.1036 (con't.)

References

40 CFR 264.1065

- (b) If, during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications as defined in 40 CFR 264.1035(c)(4) for more than 24 hours or a flare does not operate with visible emissions as defined in 40 CFR 264.1033(d), a report to the Regional Administrator is not required.

Air Emissions Standards for Equipment Leaks - Reporting Requirements

- (a) A semiannual report shall be submitted by owners and operators subject to the requirements of this subpart to the Regional Administrator by dates specified by the Regional Administrator. The report shall include the following information:
- (1) The EPA identification number, name, and address of the facility
 - (2) For each month during the semiannual reporting period:
 - (i) The equipment identification number of each valve for which a leak was not repaired as required in 40 CFR 264.1057(d).
 - (ii) The equipment identification number of each pump for which a leak was not repaired as required in 40 CFR 264.1052(c) and (d)(6).
 - (xvii) The equipment identification number of each compressor for which a leak was not repaired as required by 40 CFR 264.1053(g).
 - (3) Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period.
 - (4) For each month during the semiannual reporting period, dates when the control device installed as required by 40 CFR 264.1052, 264.1053, 264.1054, or 264.1055 exceeded or operated outside of the design specifications as defined in 40 CFR 264.1064(e) and as indicated by the control device monitoring required by 40 CFR 264.1060 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken.
- (b) If, during the semiannual reporting period, leaks from valves, pumps, and compressors are repaired as required in 40 CFR 264.1057(d), 264.1052(c) and (d)(6), and 264.1053(g), respectively, and the control device does not exceed or operate

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.1065 (con't.)

References

40 CFR 264.1084(e)(3)(iv) and (f)(3)(iii) [40 CFR 264.200 requires hazardous wastes be managed in a tank in accordance with 40 CFR 264, Subpart CC, which includes 264.1084(e)(3)(iv) and (f)(3)(iii).]

outside of the design specifications as defined in 40 CFR 264.1064(e) for more than 24 hours, a report to the Regional Administrator is not required.

Air Emission Standards for Hazardous Waste Tanks, Surface Impoundments, and Containers - Standards: Tanks

- (e) The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in paragraphs (e)(1) through (e)(3) of this section.
- (3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
 - (iv) Prior to each inspection required by paragraph (e)(3)(ii) or (e)(3)(iii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:
 - (A) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (e)(3)(iv)(B) of this section.
 - (B) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.1084(e)(3)(iv) and
(f)(3)(iii) (con't.)

- (f) The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in paragraphs (f)(1) through (f)(3) of this section.
- (3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
 - (iii) Prior to each inspection required by paragraph (f)(3)(i) or (f)(3)(ii) of this subpart, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:
 - (A) Prior to each inspection to measure external floating roof seal gaps as required under paragraph (f)(3)(i) of this section, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before the date the measurements are scheduled to be performed.
 - (B) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (f)(3)(iii)(C) of this section.
 - (C) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.1090

Air Emission Standards for Hazardous Waste Tanks, Surface Impoundments, and Containers - Reporting

- (a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Sec. 264.1082(c) of this subpart shall report to the Regional Administrator each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Sec. 264.1082 (c)(1) or (c)(2) of this subpart, as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 parts per million by weight (ppmw) at the point of waste origination; or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in Sec. 264.1082 (c)(2)(i) through (c)(2)(vi) of this subpart. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.
- (b) Each owner or operator using air emission controls on a tank in accordance with the requirements Sec. 264.1084(c) of this subpart shall report to the Regional Administrator each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Sec. 264.1084(b) of this subpart. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.
- (c) Each owner or operator using a control device in accordance with the requirements of Sec. 264.1087 of this subpart shall submit a semiannual written report to the Regional Administrator excepted as provided for in paragraph (d) of this section. The report shall describe each occurrence during the previous 6-month period when either: (1) A control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Sec. 264.1035(c)(4); or (2) A flare is operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in Sec. 264.1033(d). The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.1090 (con't.)

defined in Sec. 264.1035(c)(4) or when a flare is operated with visible emissions as defined in Sec. 264.1033(d). The written report shall include the EPA identification number, facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- (d) A report to the Regional Administrator in accordance with the requirements of paragraph (c) of this section is not required for a 6-month period during which all control devices subject to this subpart are operated by the owner or operator such that:
- (1) During no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Sec. 264.1035(c)(4); and
 - (2) No flare was operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in Sec. 264.1033(d).

References

40 CFR 264.1100

Containment Buildings - Applicability

The requirements of this subpart apply to owners or operators who store or treat hazardous waste in [completely enclosed, self-supporting structures] designed and operated under 40 CFR 264.1101. These provisions will become effective on February 18, 1993, although the owner or operator may notify the Regional Administrator of his intent to be bound by this subpart at an earlier time.

Containment Buildings - Design and Operating Standards

References

40 CFR 264.1101

- (c) Owners or operators of all containment buildings must:
- (3) (i) Upon detection of a condition that has led to a release of hazardous waste (e. g., upon detection of leakage from the primary barrier) the owner or operator must:
 - (D) Within 7 days after the discovery of the condition, notify the Regional Administrator of then condition, and within 14 working days, provide a written notice to the Regional

Table 6

Resource Conservation and Recovery Act

Part 7. Standards for Owners/Operators of Permitted Hazardous Waste Treatment, Storage & Disposal Facilities (con't.)

References

40 CFR 264.1101 (con't.)

Administrator with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

- (ii) The Regional Administrator will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.
- (iii) Upon completing all repairs and cleanup the owner or operator must notify the Regional Administrator in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with paragraph (c)(3)(i)(D) of this section.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities

Authorizations

RCRA Section 3004, 3005(e)

References

40 CFR 265.12

References

40 CFR 265.56

General Facility Standards - Required notices

- (a) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date of the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- (b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this part and 40 CFR Part 270. (Also see 40 CFR 270.72) [Comment: An owner's or operator's failure to notify the new owner or operator of the requirements of this part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.]

Contingency Plan and Emergency Procedures - Emergency Procedures

- (a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:
 - (1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel, and
 - (2) Notify appropriate State or local agencies with designated response roles if their help is needed.
- (d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report the findings as follows:
 - (1) If an assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated.
 - (2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR Part 1510), or the NRC (using their 24-hour toll free number 800/424-8802). The report must include:
 - (i) Name and telephone number of reporter.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.56 (con't.)

- (ii) Name and address of facility.
- (iii) Time and type of incident (e.g., release, fire).
- (iv) Name and quantity of material(s) involved, to the extent unknown.
- (v) The extent of injuries, if any.
- (vi) The possible hazards to human health, or the environment, outside the facility.
- (i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with the following two requirements found in 40 CFR 265.56(h) before operations are resumed in the affected area(s) of the facility.
- (j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:
 - (1) Name, address, and telephone number of the owner or operator.
 - (2) Name, address, and telephone number of the facility.
 - (3) Date, time, and type of incident (e.g., fire, explosion).
 - (4) Name and quantity of material(s) involved.
 - (5) The extent of injuries, if any.
 - (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable.
 - (7) Estimated quantity and disposition of recovered material that resulted from the incident.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.72

Manifest System, Recordkeeping, and Reporting - Manifest Discrepancies

- (a) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping: paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are:
 - (1) For bulk waste, variations greater than 10 percent in weight.
 - (2) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.
- (b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

References

40 CFR 265.75

Manifest System, Recordkeeping, and Reporting - Biennial Report

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even-numbered year. The biennial report must be submitted on EPA Form 8700-1-3B. The report must cover facility activities during the previous calendar year and must include the following information:

- (a) The EPA identification number, name, and address of the facility.
- (b) The calendar year covered by the report.
- (c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.75 (con't.)

- (d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator.
- (e) The method of treatment, storage, or disposal for each hazardous waste.
- (f) Monitoring data under 40 CFR 265.94(a)(2)(ii) and (iii) and (b)(2), where required.
- (g) The most recent closure cost estimate under 40 CFR 265.144.
- (h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- (i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for the years prior to 1984.
- (j) The certification signed by the owner or operator of the facility or his authorized representative.

References

40 CFR 265.76

Manifest System, Recordkeeping, and Reporting - Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in 40 CFR 263.20(e)(2), and if the waste is not excluded from the manifest requirement by 40 CFR 261.5 of this chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated "Unmanifested Waste Report" and include the following information:

- (a) The EPA identification number, name, and address of the facility.
- (b) The date the facility received the waste.
- (c) The EPA identification number, name, and address of the generator and transporter, if available.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.76 (con't.)

- (d) A description and the quantity of each unmanifested hazardous waste the facility received.
- (e) The method of treatment, storage, or disposal for each hazardous waste.
- (f) The certification signed by the owner or operator of the facility or his authorized representative.
- (g) A brief explanation of why the waste was unmanifested, if known.

[Comment: Small quantities of hazardous waste are excluded from regulation under 40 CFR Part 265 and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the EPA suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the EPA suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.]

References

40 CFR 265.77

Manifest System, Recordkeeping, and Reporting - Additional Reports

In addition to submitting the biennial report and unmanifested waste reports described in 40 CFR 265.75 and 265.76, the owner or operator must also report to the Regional Administrator:

- (a) Releases, fires, and explosions as specified in 40 CFR 265.56(j).
- (b) Groundwater contamination and monitoring data as specified in 40 CFR 265.93 and 265.94.
- (c) Facility closure as specified in 40 CFR 265.115.
- (d) Any policies or reports as otherwise required by 40 CFR 264.1030 - 1066 (Air Emission Standards for Process Vents and Equipment Leaks).

References

40 CFR 265.93

Ground Water Monitoring - Preparation, Evaluation, and Response

- (a) Within one year after the effective date of these regulations, the owner or operator must prepare an outline of a groundwater quality assessment program. The outline must describe a more comprehensive groundwater monitoring program (than that described in 40 CFR 265.91 and 265.92) capable of determining:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.93 (con't.)

- (1) Whether the hazardous waste or hazardous waste constituents have entered the groundwater.
 - (2) The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater.
 - (3) The concentrations of hazardous waste or hazardous waste constituents in the groundwater.
- (b) For each indicator parameter specified in 40 CFR 265.92(b)(3), the owner or operator must calculate the arithmetic mean and variance, based on at least four replicate measurements on each sample, for each well monitored in accordance with 40 CFR 265.92(d)(2), and compare these results with its initial background arithmetic mean. The comparison must consider individually each of the wells in the monitoring system, and must use the Student's Test at the 0.01 level of significance (see Appendix IV of 40 CFR Part 265) to determine statistically significant increases (and decreases, in the case of pH) over initial background.
- (c) (1) If the comparisons for the upgradient wells made under paragraph (b) of this section show a significant increase (or pH decrease), the owner or operator must submit this information in accordance with 40 CFR 265.94(a)(2)(ii).
- (2) If the comparisons for downgradient wells made under paragraph (b) of this section show a significant increase (or pH decrease), the owner or operator must then immediately obtain additional ground-water samples from those downgradient wells where a significant difference was detected, split the samples in two, and obtain analyses of all additional samples to determine whether the significant difference was a result of laboratory error.
- (d) (1) If the analyses performed under paragraph (c)(2) of this section confirm the significant increase (or pH decrease), the owner or operator must provide written notice to the Regional Administrator - within seven days of the date of such confirmation - that the facility may be affecting groundwater quality.
- (2) Within 15 days after notification under paragraph (d)(1) of this section, the owner or operator must develop and submit to the Regional Administrator a specific plan, based on the outline required under paragraph (a) of this section and certified by a qualified geologist or geotechnical engineer, for a groundwater quality assessment program at the facility.
- (3) The plan to be submitted under 40 CFR 265.90(d)(1) or paragraph (d)(2) of this section must specify:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.93 (con't.)

- (i) The number, location, and depth of wells.
 - (ii) Sampling and analytical methods for those hazardous wastes or hazardous waste constituents in the facility.
 - (iii) Evaluation procedures, including any use of previously-gathered groundwater quality information.
 - (iv) A schedule of implementation.
- (4) The owner or operator must implement the groundwater quality assessment plan which satisfies the requirements of paragraph (d)(3) of this section, and, at a minimum, determine:
- (i) The rate and extent of migration of the hazardous waste or hazardous waste constituents in the groundwater.
 - (ii) The concentrations of the hazardous waste or hazardous waste constituents in the groundwater.
- (5) The owner or operator must make his first determination under paragraph (d)(4) of this section as soon as technically feasible, and, within 15 days after that determination, submit to the Regional Administrator a written report containing an assessment of the groundwater quality.
- (6) If the owner or operator determines, based on the results of the first determination under paragraph (d)(4) of this section, that no hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he may reinstate the indicator evaluation program described in 40 CFR 265.92 and paragraph (b) of this section. If the owner or operator reinstates the indicator evaluation program, he must so notify the Regional Administrator in the report submitted under paragraph (d)(5) of this section.
- (7) If the owner or operator determines, based on the first determination under paragraph (d)(4) of this section, that hazardous waste or hazardous waste constituents from the facility have entered the ground water, then he:
- (i) Must continue to make the determinations required under paragraph (d)(4) of this section on a quarterly basis until final closure of the facility, if the ground-water quality assessment plan was implemented prior to final closure of the facility, or

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.93 (con't.)

- (ii) May cease to make the determinations required under paragraph (d)(4) of this section, if the ground-water quality assessment plan was implemented during the post-closure care period.

- (e) Notwithstanding any other provision of this subpart, any ground-water quality assessment to satisfy the requirements of 40 CFR 265.93(d)(4) which is initiated prior to final closure of the facility must be completed and reported in accordance with 40 CFR 265.93(d)(5).

References

40 CFR 265.94

Ground Water Monitoring - Recordkeeping and Reporting

- (a) Unless the groundwater is monitored to satisfy the requirements of 40 CFR 265.93(d)(4), the owner or operator must:
 - (2) Report the following groundwater monitoring information to the Regional Administrator:
 - (i) During the first year when initial background concentrations are being established for the facility: Concentrations or values of the parameters listed in 40 CFR 265.92(b)(1) for each groundwater monitoring well within 15 days after completing each quarterly analysis. The owner or operator must separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum containment levels listed in Appendix III.
 - (ii) Annually: Concentrations or values of the parameters listed in 40 CFR 265.92(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under 40 CFR 265.93(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells in accordance with 40 CFR 265.93(c)(1). During the active life of the facility, this information must be submitted no later than March 1 following each calendar year.
 - (iii) No later than March 1 following each calendar year: Results of the evaluation of groundwater surface elevations under 40 CFR 265.93(f), and a description of the response to that evaluation, where applicable.
- (b) If the groundwater is monitored to satisfy the requirements of 40 CFR 265.93(d)(4), the owner or operator must:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.94 (con't.)

- (1) Keep records of the analyses and evaluations specified in the plan, which satisfies the requirements of 40 CFR 265.93(d)(3), throughout the active life of the facility, and, for disposal facilities, throughout the post-closure care period as well.
- (2) Annually, until final closure of the facility, submit to the Regional Administrator, a report containing the results of his or her groundwater quality assessment program, which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This information must be submitted no later than March 1 following each calendar year.

References

40 CFR 265.112

Closure and Post-Closure - Closure Plan: Amendment of Plan

- (c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the Regional Administrator to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Regional Administrator.
 - (1) The owner or operator must amend the closure plan whenever:
 - (i) Changes in operating plans or facility design affect the closure plan, or
 - (ii) There is a change in the expected year of closure, if applicable, or
 - (iii) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.
 - (2) The owner or operator must amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with 40 CFR 265.310.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.112 (con't.)

- (3) An owner or operator with an approved closure plan must submit the modified plan to the Regional Administrator at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with 40 CFR 265.310. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modification to the plan will be approved according to the procedures in 40 CFR 265.112(d)(4).
 - (4) The Regional Administrator may request modifications to the plan under the conditions described in paragraph (c)(1) of this section. An owner or operator with an approved closure plan must submit the modified plan within 60 days of the request from the Regional Administrator, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modification to the plan will be approved in accordance with the procedures in 40 CFR 265.112(d)(4).
- (d) Notification of Partial Closure and Final Closure.
- (1) The owner or operator must submit the closure plan to the Regional Administrator at least 180 days prior to the date on which he expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier. The owner or operator must submit the closure plan to the Regional Administrator at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. The owner or operator must submit the closure plan to the Regional Administrator at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units. Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit. Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.112 (con't.)

- (2) The date when he "expects to begin closure" must be either:
 - (i) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit can demonstrate to the Regional Administrator that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Regional Administrator may approve an extension to this one-year limit; or
 - (ii) For units meeting the requirements of 40 CFR 265.113(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of nonhazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional nonhazardous wastes, no later than one year after the date on which the unit received the most recent volume of nonhazardous wastes. If the owner or operator can demonstrate to the Regional Administrator that the hazardous waste management unit has the capacity to receive additional nonhazardous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Regional Administrator may approve an extension to this one-year limit.
- (3) The owner or operator must submit his closure plan to the Regional Administrator no later than 15 days after:
 - (i) Termination of interim status except when a permit is issued simultaneously with termination of interim status; or
 - (ii) Issuance of a judicial decree or final order under Section 3008 of RCRA to cease receiving hazardous wastes or close.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.113

Closure and Post-Closure - Closure: Time Allowed for Closure

- (e) In addition to the requirements in paragraph (d) of 40 CFR 265.113 an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C.3004(o)(1), and 3005(j)(1) or 42 U.S.C. 3004(o)(2) or (3) or 3005(j)(2), (3), (4) or (13) must:
 - (1) Submit with the Part B application:
 - (i) A contingent corrective measures plan.
 - (ii) A plan for removing hazardous wastes in compliance with paragraph (e)(2) of this section; and
 - (5) During the period of corrective action, the owner or operator shall provide semi-annual reports to the Regional Administrator that describe the progress of the corrective action program, compile all ground-water monitoring data, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

References

40 CFR 265.117

Closure and Post-Closure - Post-Closure: Care and Use of Property

- (a) (1) Post-closure care for each hazardous waste management unit subject to the requirements of 40 CFR 265.117 through 265.120 must begin after completion of closure of the unit and continue for 30 years after that date. It must consist of at least the following:
 - (i) Monitoring and reporting in accordance with the requirements of subparts F, K, L, M, and N of 40 CFR Part 265.
 - (ii) Maintenance and monitoring of waste containment systems in accordance with the requirements of subparts F, K, L, M, and N of 40 CFR Part 265.
- (2) Any time preceding closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular hazardous waste disposal unit, the Regional Administrator may:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.117 (con't.)

- (i) Shorten the post-closure care period applicable to the hazardous waste management unit, or facility, if all disposal units have been closed, if he finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground-water monitoring results, characteristics of the hazardous waste, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure), or
- (ii) Extend the post-closure care period applicable to the hazardous waste management unit or facility, if he finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground-water monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

References

40 CFR 265.118

Closure and Post-Closure - Post-Closure Plan: Amendment of Plan

- (d) The owner or operator may amend the post-closure plan any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan must submit a written request to the Regional Administrator to authorize a change to the approved plan. The written request must include a copy of the amended post-closure plan for approval by the Regional Administrator.
 - (1) The owner or operator must amend the post-closure plan whenever:
 - (i) Changes in operating plans or facility design affect the post-closure plan, or
 - (ii) Events which occur during the active life of the facility, including partial and final closures, affect the post-closure plan.
 - (2) The owner or operator must amend the post-closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan.
 - (3) An owner or operator with an approved post-closure plan must submit the modified plan to the Regional Administrator at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.118 (con't.)

surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with 40 CFR 265.228(b) or 40 CFR 265.258(a) is required to close as a landfill in accordance with 40 CFR 265.310, the owner or operator must submit a post-closure plan within 90 days of the determination by the owner or operator or Regional Administrator that the unit must be closed as a landfill. If the amendment to the post-closure plan is a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modification to the plan will be approved according to the procedures in 40 CFR 265.118(f).

- (4) The Regional Administrator may request modifications to the plan under the conditions described in paragraph (d)(1) of this section. An owner or operator with an approved post-closure plan must submit the modified plan no later than 60 days of the request from the Regional Administrator. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 40 CFR 270.42, the modifications to the post-closure plan will be approved in accordance with the procedures in 40 CFR 265.118(f). If the Regional Administrator determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure plan for approval to the Regional Administrator within 90 days of the determination.

References

40 CFR 265.193

Tank Systems - Containment and Detection of Releases

- (h) The following procedures must be followed in order to request a variance from secondary containment:
- (1) The Regional Administrator must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in paragraph (g) of 40 CFR 265.193 according to the following schedule:
- (i) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with paragraph (a) of this section.
- (ii) For new tank systems, at least 30 days prior to entering into a contract for installation of the tank system.
- (2) As part of the notification, the owner or operator must also submit to the Regional Administrator a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in paragraph (g)(1) or paragraph (g)(2) of 40 CFR 265.193.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.193 (con't.)

References

40 CFR 265.196

- (3) The demonstration for a variance must be completed and submitted to the Regional Administrator within 180 days after notifying the Regional Administrator of intent to conduct the demonstration.

Tank Systems - Response to Leaks or Spills and Disposition of Leaking or Unfit-For-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

- (d) Notifications, reports.
- (1) Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.
- (2) A leak or spill of hazardous waste that is:
- (i) Less than or equal to a quantity of one (1) pound, and
 - (ii) Immediately contained and cleaned-up, is exempted from the requirements of this paragraph.
- (3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:
- (i) Likely route of migration of the release.
 - (ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate).
 - (iii) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available.
 - (iv) Proximity to down-gradient drinking water, surface water, and population areas.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.196 (con't.)

(v) Description of response actions taken or planned.

- (f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with paragraph (e) of 40 CFR 265.196, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered professional engineer in accordance with 40 CFR 270.11(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Regional Administrator within seven days after returning the tank system to use.

References

40 CFR 265.221

Surface Impoundments - Design and Operating Requirements

- (a) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with 40 CFR 264.221(c), unless exempted under 40 CFR 264.221(d), (e), or (f), of this chapter. "Construction commences" is as defined in 40 CFR 260.1 under "existing facility."
- (b) The owner or operator of each unit referred to in paragraph (a) of this section must notify the Regional Administrator at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.

References

40 CFR 265.222

Surface Impoundments - Action Leakage Rate

- (a) The owner or operator of surface impoundment units subject to 40 CFR 265.221(a) must submit a proposed action leakage rate to the Regional Administrator when submitting the notice required under 40 CFR 265.221(b). Within 60 days of receipt of the notification, the Regional Administrator will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60-day or extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.223

Surface Impoundments - Response Actions

- (a) The owner or operator of surface impoundment units subject to 40 CFR 265.221(a) must submit a response action plan to the Regional Administrator when submitting the proposed action leakage rate under 40 CFR 265.222. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.
- (b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:
 - (1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.
 - (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.
 - (3) Determine to the extent practicable the location, size, and cause of any leak.
 - (4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed.
 - (5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.
 - (6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.
- (c) To make the leak and/or remediation determinations in paragraphs (b)(3), (4), and (5) of this section, the owner or operator must:
 - (1) (i) Assess the source of liquids and amounts of liquids by source,

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.223 (con't.)

- (ii) Conduct fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid, and
- (iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment, or
- (2) Document why such assessments are not needed.

References

40 CFR 265.225

Waste Piles - Action Leakage Rate

- (a) The owner or operator of waste pile units subject to 40 CFR 265.254 must submit a proposed action leakage rate to the Regional Administrator when submitting the notice required under 40 CFR 265.254. Within 60 days of receipt of the notification, the Regional Administrator will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60- or extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

References

40 CFR 265.259

Waste Piles - Response Actions

- (a) The owner or operator of waste pile units subject to 40 CFR 265.254 must submit a response action plan to the Regional Administrator when submitting the proposed action leakage rate under 40 CFR 265.255. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.
- (b) If the flow rate into the leak determination system exceeds the action leakage rate for any sump, the owner or operator must:
 - (1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.
 - (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short-term actions taken and planned.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.259 (con't.)

- (3) Determine to the extent practicable the location, size, and cause of any leak.
- (4) Determine whether waste receipts should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed.
- (5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.
- (6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.
- (c) To make the leak and/or remediation determinations in paragraphs (b)(3), (4), and (5) of this section, the owner or operator must:
 - (1) (i) Assess the source of liquids and amounts of liquids by source,
 - (ii) Conduct fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid, and
 - (iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment, or
 - (2) Document why such assessments are not needed.

References

40 CFR 265.301

Landfills - Design and Operating Requirements

- (a) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, accordance

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.301 (con't.)

with 40 CFR 264.301(d), (e), or (f), of this chapter. "Construction commences" as defined in 40 CFR 260.10 of this chapter under "existing facility".

- (b) The owner or operator of each unit referred to in paragraph (a) of this section must notify the Regional Administrator at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.
- (c) The owner or operator of any replacement landfill unit is exempt from paragraph (a) of this section if:
 - (1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act, and
 - (2) There is reason to believe that the liner is not functioning as designed.

References

40 CFR 265.302

Landfills - Action Leakage Rate

- (a) The owner or operator of landfill units subject to 40 CFR 265.301(a) must submit a proposed action leakage rate of the Regional Administrator when submitting the notice required under 40 CFR 265.301(b). Within 60 days of receipt of the notification, the Regional Administrator will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60-day or extended 90-day review period, the action leakage rate will be approved as proposed by the owner or operator.

References

40 CFR 265.303

Landfills - Response Actions

- (a) The owner or operator of landfill units subject to 40 CFR 265.301(a) must submit a response action plan to the Regional Administrator when submitting the proposed action leakage rate under 40 CFR 265.302. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in paragraph (b) of this section.
- (b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.303 (con't.)

- (1) Notify the Regional Administrator in writing of the exceedance within 7 days of the determination.
 - (2) Submit a preliminary written assessment to the Regional Administrator within 14 days of the determination as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned.
 - (3) Determine to the extent practicable the location, size, and cause of any leak.
 - (4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed.
 - (5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks.
 - (6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Regional Administrator the results of the analyses specified in paragraphs (b)(3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Regional Administrator a report summarizing the results of any remedial actions taken and actions planned.
- (c) To make the leak and/or remediation determinations in paragraphs (b)(3), (4), and (5) of this section, the owner or operator must:
- (1) (i) Assess the source of liquids and amounts of liquids by source,
 - (ii) Conduct fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid, and
 - (iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment, or
 - (2) Document why such assessments are not needed.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.1061

Air Emission Standards for Equipment Leaks - Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

- (a) An owner or operator subject to the requirements of 40 CFR 265.1057 may elect to have all valves within a hazardous waste management unit comply with an alternative standard which allows no greater than 2 percent of the valves to leak.
- (b) The following requirements shall be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of valves to leak:
 - (1) An owner or operator must notify the Regional Administrator that the owner or operator has elected to comply with the requirements of this section.
- (d) If an owner or operator decides no longer to comply with the requirements of 40 CFR 265.1061, the owner or operator must notify the Regional Administrator in writing that the work practice standard described in 40 CFR 265.1057(a) through (e) will be followed.

Air Emission Standards for Equipment Leaks - Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

- (a) (1) An owner or operator subject to the requirements of 40 CFR 265.1057 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in 40 CFR 265.1062(b)(2) and (b)(3).
- (2) An owner or operator must notify the Regional Administrator before implementing one of the alternative work practices.

References

40 CFR 265.1062

References

40 CFR 265.1085(e)(3)(iv) and (f)(3)(iii) [40 CFR 265.202 requires hazardous wastes be managed in tank systems in accordance with 40 CFR 265, Subpart CC which includes 265.1085(e)(3)(iv) and (f)(3)(iii).]

Air Emission Standards for Hazardous Waste Tanks, Surface Impoundments, and Containers - Standards: Tanks

- (e) The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in paragraphs (e)(1) through (e)(3) of this section.

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.1085(e)(3)(iv) and
(f)(3)(iii) (con't.)

- (3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
 - (iv) Prior to each inspection required by paragraph (e)(3)(ii) or (e)(3)(iii) of this section, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:
 - (A) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (e)(3)(iv)(B) of this section.
 - (B) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.
- (f) The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in paragraphs (f)(1) through (f)(3) of this section.
 - (3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
 - (iii) Prior to each inspection required by paragraph (f)(3)(i) or (f)(3)(ii) of this subpart, the owner or operator shall notify the Regional Administrator in advance of each inspection to provide the Regional Administrator with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Regional Administrator of the date and location of the inspection as follows:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.1085(e)(3)(iv) and
(f)(3)(iii) (con't.)

- (A) Prior to each inspection to measure external floating roof seal gaps as required under paragraph (f)(3)(i) of this section, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before the date the measurements are scheduled to be performed.
- (B) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the Regional Administrator at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in paragraph (f)(3)(iii)(C) of this section.
- (C) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Regional Administrator as soon as possible, but no later than 7 calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least 7 calendar days before refilling the tank.

References

40 CFR 265.1100

Containment Buildings - Applicability

The requirements of this subpart apply to owners or operators who store or treat hazardous waste in {completely enclosed, self-supporting structures} designed and operated under 40 CFR 265.1101. These provisions will become effective on February 18, 1993, although the owner or operator may notify the Regional Administrator of his intent to be bound by this subpart at an earlier time.

References

40 CFR 265.1101

Containment Buildings - Design and Operating Standards

- (c) Owners or operators of all containment buildings must:
 - (3) (i) Upon detection of a condition that has led to a release of hazardous waste (e. g., upon detection of leakage from the primary barrier) the owner or operator must:

Table 6

Resource Conservation and Recovery Act

Part 8. Standards for Owners/Operators of Interim Status Hazardous Waste (TSD) Facilities (con't.)

References

40 CFR 265.1101 (con't.)

- (D) Within 7 days after the discovery of the condition, notify the Regional Administrator of then condition, and within 14 working days, provide a written notice to the Regional Administrator with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.
- (ii) The Regional Administrator will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.
- (iii) Upon completing all repairs and cleanup the owner or operator must notify the Regional Administrator in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with paragraph (c)(3)(i)(D) of this section.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR)

Authorizations

RCRA Section 3004

References

40 CFR 268.5

References

40 CFR 268.6

Procedures for Case-by-Case Extension to an Effective Date.

- (f) Any person {who generates, treats, stores, or disposes of a hazardous waste and who is} granted an extension under {40 CFR 268.5(a)} must immediately notify the Administrator as soon as he has knowledge of any change in the conditions certified to in the application.
- (g) Any person {who generates, treats, stores, or disposes of a hazardous waste and who is} granted an extension under {40 CFR 268.5(a)} shall submit written progress reports at intervals designated by the Administrator. Such reports must describe the overall progress made toward constructing or otherwise providing alternative treatment, recovery or disposal capacity; must identify any event which may cause or has caused a delay in the development of the capacity; and must summarize the steps taken to mitigate the delay. The Administrator can revoke the extension at any time if the applicant does not demonstrate a good-faith effort to meet the schedule for completion, if the Agency denies or revokes any required permit, if conditions certified in the application change, or for any violation of this chapter.

Petitions to Allow Land Disposal of a Waste Prohibited Under Subpart C of 40 CFR Part 268

- (e) After a petition {for an exemption from a prohibition under Subpart C of 40 CFR Part 268 for the disposal of a restricted hazardous waste in a particular unit or units} has been approved {pursuant to 40 CFR 268.6(a)}, the owner or operator must report any changes in conditions at the unit and/or the environment around the unit that significantly depart from the conditions described in the variance and affect the potential for migration of hazardous constituents from the units as follows:
 - (1) If the owner or operator plans to make changes to the unit design, construction, or operation, such a change must be proposed, in writing, and the owner or operator must submit a demonstration to the Administrator at least 30 days prior to making the change. The Administrator will determine whether the proposed change invalidates the terms of the petition and will determine the appropriate response. Any change must be approved by the Administrator prior to being made.
 - (2) If the owner or operator discovers that a condition at the site which was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Administrator within 10 days of discovering the change. The Administrator will determine whether the reported change from the terms of the petition requires

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.6 (con't.)

further action, which may include termination of waste acceptance and revocation of the petition, petition modifications, or other responses.

- (f) If the owner or operator determines that there is migration of hazardous constituent(s) from the unit, the owner or operator must:
 - (2) Notify the Administrator, in writing, within 10 days of the determination that a release has occurred.
 - (3) Following receipt of the notification the Administrator will determine, within 60 days of receiving notification, whether the owner or operator can continue to receive prohibited waste in the unit and whether the variance is to be revoked. The Administrator shall also determine whether further examination of any migration is warranted under applicable provisions of Part 264 or Part 265.

References

40 CFR 268.7

Waste Analysis and Recordkeeping

- (a) (1) If a generator determines that he is managing a restricted waste under 40 CFR Part 268 and the waste does not meet the applicable treatment standards set forth in Subpart D of this part or exceeds the applicable prohibition levels set forth in 40 CFR 268.32 or RCRA Section 3004(d), with each shipment of waste the generator must notify the treatment or storage facility in writing of the appropriate treatment standards set forth in Subpart D of this part and any applicable prohibition levels set forth in 40 CFR 268.32 or RCRA Section 3004(d). The notice must include the following information:
 - (i) EPA Hazardous Waste Number.
 - (ii) The corresponding treatment standards for wastes F001-F005, F039, wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d), and for underlying hazardous constituents (as defined in 40 CFR 268.2) in D001 and D002 wastes if those wastes are prohibited under 40 CFR 268.3 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraphs where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

(iii) The manifest number associated with the shipment of waste.

(iv) For hazardous debris, the contaminants subject to treatment as provided by 40 CFR 268.45(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.45."

(v) Waste analysis data, where available.

(2) If a generator determines that he is managing a restricted waste under this part, and determines that the waste can be land disposed without further treatment, with each shipment of waste he must submit, to the treatment, storage, or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D of this part and the applicable prohibition levels set forth in 40 CFR 268.32 or RCRA Section 3004(d). Generators of hazardous debris that is excluded from the definition of hazardous waste under 40 CFR 261.3(e)(2) of this chapter (i.e., debris that the Director has determined does not contain hazardous waste), however, are not subject to these notification and certification requirements.

(i) The notice must include the following information:

(A) EPA Hazardous Waste Number.

(B) The corresponding treatment standards for wastes F001-F005, F039, and wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d). Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

(C) The manifest number associated with the shipment of waste.

(D) Waste analysis data, where available.

(ii) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR Part 268 Subpart D and all applicable prohibitions set forth in 40 CFR 268.32 or RCRA Section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

(3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under 40 CFR 268.5, an exemption under 40 CFR 268.6, or a nationwide capacity variance under Subpart C), with each shipment of waste he must submit a notice to the facility receiving his waste stating that the waste is not prohibited from land disposal. The notice must include the following information:

(i) EPA Hazardous Waste Number.

(ii) The corresponding treatment standards for wastes F001-F005, F039, and wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d). Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears. Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be listed on the notification.

(iii) The manifest number associated with the shipment of waste.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

- (iv) Waste analysis data, where available.
 - (v) For hazardous debris, the contaminants subject to treatment as provided by 40 CFR 268.45(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.45."
 - (vi) The date the waste is subject to the prohibitions.
- (4) If a generator is managing prohibited waste in tanks, containers, or containment buildings regulated under 40 CFR 262.34, and is treating such waste in such tanks, containers, or containment buildings to meet applicable treatment standards under Subpart D of this part, the generator must develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, 40 CFR 268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:
- (i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.
 - (ii) Such plan must be filed with the EPA Regional Administrator (or his designated representative) or State authorized to implement 40 CFR Part 268 requirements a minimum of 30 days prior to the treatment activity, with delivery verified.
 - (iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of 40 CFR 268.7(a)(2).
- (8) If a generator is managing a lab pack that contains wastes identified in Appendix IV of 40 CFR Part 268 and wishes to use the alternative treatment standard under 40 CFR 268.42, with each shipment of waste the generator must submit a notice to the treatment facility in accordance with paragraph (a)(1) of this section. The generator must also comply with the requirements in paragraphs (a)(5) and (a)(6) of this section, and must submit the following certification, which must be signed by an authorized representative:

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in Appendix IV to Part 268 or solid wastes not subject to regulation under 40 CFR Part 261. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- (9) If a generator is managing a lab pack that contains organic wastes specified in Appendix V of this part and wishes to use the alternative treatment standards under 40 CFR 268.42, with each shipment of waste the generator must submit a notice to the treatment facility in accordance with paragraph (a)(1) of this section. The generator also must comply with the requirements in paragraphs (a)(5) and (a)(6) of this section, and must submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in Appendix V to Part 268 or solid wastes not subject to regulation under 40 CFR Part 261. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- (b) (4) A notice must be sent with each waste shipment to the land disposal facility which includes the following information, except that debris excluded from the definition of hazardous waste under 40 CFR 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, 40 CFR 268.45, and debris that the Director has determined does not contain hazardous waste) is subject to the notification and certification requirements of paragraph (d) of this section rather than these notification requirements:
- (i) EPA Hazardous Waste Number.
 - (ii) The corresponding treatment standards for wastes F001-F005, F039, wastes prohibited pursuant to 40 CFR 268.32 or RCRA Section 3004(d), and for underlying hazardous constituents (as defined in 40 CFR 268.2) in D001 and D002 wastes if those wastes are prohibited under 40 CFR 268.3 of this part. Treatment standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in 40 CFR 268.2(f)) or nonwastewater (as defined in 40 CFR 268.2(d)) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the CFR section(s) and paragraph(s) where the applicable treatment standard appears.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

Where the applicable treatment standards are expressed as specified technologies in 40 CFR 268.42, the applicable five-letter treatment code found in Table 1 of 40 CFR 268.42 (e.g., INCIN, WETOX) also must be included on the notification.

(iii) The manifest number associated with the shipment of waste.

(iv) Waste analysis data, where available.

(5) The treatment facility must submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the applicable performance standards specified in Subpart D of this part and the applicable prohibitions set forth in 40 CFR 268.32 or RCRA Section 3004(d). Debris excluded from the definition of hazardous waste under 40 CFR 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, 40 CFR 268.45, and debris that the Director has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of paragraph (d) of this section rather than the certification requirements of this paragraph (b)(5).

(i) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (40 CFR 268.41 or 40 CFR 268.43), or for wastes prohibited under 40 CFR 268.32 of this part or RCRA Section 3004(d) which are not subject to any treatment standards under Subpart D of this part, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 40 CFR Part 268, Subpart D, and all applicable prohibitions set forth in 40 CFR 268.32 or RCRA Section 3004(d) without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

- (ii) For wastes with treatment standards expressed as technologies (40 CFR 268.42), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 40 CFR 268.42. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- (iii) For wastes with treatment standards expressed as concentrations in the waste pursuant to 40 CFR 268.43, if compliance with the treatment standards in Subpart D of this part is based in part or in whole on the analytical detection limit alternative specified in 40 CFR 268.43(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 40 CFR Part 264, Subpart O, or 40 CFR Part 265, Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- (6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this section.
- (7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 40 CFR 266.20(b) regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, pursuant to paragraph (b)(4) of this section. With each shipment of such wastes the owner or operator of the recycling facility must submit a certification described in paragraph (b)(5) of this section, and a notice which includes the information listed in paragraph (b)(4) of this section (except the manifest number) to the Regional Administrator, or his delegated representative.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.7 (con't.)

- (d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under 40 CFR 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, 40 CFR 268.45, and debris that the Director has determined does not contain hazardous waste) are subject to the following notification and certification requirements:
- (1) A one-time notification must be submitted to the Director or authorized State including the following information:
 - (i) The name and address of the Subtitle D facility receiving the treated debris.
 - (ii) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s).
 - (iii) For debris excluded under 40 CFR 261.3(e)(1) of this chapter, the technology from Table 1, 40 CFR 268.45, used to treat the debris.
 - (2) The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under 40 CFR 261.2(e)(1) of this chapter, if a different type of debris is treated or if a different technology is used to treat the debris.

References

40 CFR 268.9

Special Rules Regarding Wastes that Exhibit a Characteristic

- (d) Wastes that exhibit a characteristic are also subject to 40 CFR 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the EPA region or authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the EPA region or an authorized State on an annual basis if such changes occur. Such notification and certification should be sent to the EPA region or authorized State by the end of the calendar year, but no later than December 31.
- (1) The notification must include the following information:
 - (i) Name and address of the Subtitle D facility receiving the waste shipment.

Table 6

Resource Conservation and Recovery Act

Part 9. Land Disposal Restrictions (LDR) (con't.)

References

40 CFR 268.9 (con't.)

- (ii) A description of the waste as initially generated, including the applicable EPA Hazardous Waste Number(s) and treatability group(s).
- (iii) The treatment standards applicable to the waste at the point of generation.
- (2) The certification must be signed by an authorized representative and must state the language found in 40 CFR 268.7(b)(5).

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program

Authorizations

RCRA Section 3005

References

40 CFR 270.30

Conditions Applicable to All Permits

The following conditions apply to all RCRA permits, and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

- (l) Reporting requirements.
 - (1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
 - (2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in 40 CFR 270.42, until:
 - (i) The permittee has submitted to the Director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit, and
 - (ii) (A) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit, or
 - (B) Within 15 days of the date of submission of the letter in paragraph (1)(2)(i) of this section, the permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.
 - (3) This permit is not transferable to any person except after notice to the director.
 - (4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.30 (con't.)

- (5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (6) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances, including:
 - (A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - (B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.
 - (ii) The description of the occurrence and its cause shall include:
 - (A) Name, address, and telephone number of the owner or operator.
 - (B) Name, address, and telephone number of the facility.
 - (C) Date, time, and type of incident.
 - (D) Name and quantity of material(s) involved.
 - (E) The extent of injuries, if any.
 - (F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable.
 - (G) Estimated quantity and disposition of recovered material that resulted from the incident.

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.30 (con't.)

(iii) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five day written notice requirement in favor of a written report within fifteen days.

(7) Manifest Discrepancy Report: If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72).

(8) Unmanifested Waste Report: This report must be submitted to the Director within fifteen days of receipt of unmanifested waste. (See 40 CFR 264.76).

(9) Biennial Report: A biennial report must be submitted covering facility activities during odd numbered calendar years. (See 40 CFR 264.75).

(10) Other noncompliance: The permittee shall report all instances of noncompliance not reported under paragraphs (1)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (1)(6) of this section.

(11) Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

Permit Modification at the Request of the Permittee

(a) Class I modifications.

(1) Except as provided in paragraph (a)(2) of this section, the permittee may put into effect Class I modifications listed in Appendix I of this section under the following conditions:

References

40 CFR 270.42

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.42 (con't.)

- (i) The permittee must notify the Director concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by 40 CFR 270.13 through 270.21, 270.62, and 270.63.
 - (ii) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the Director in accordance with 40 CFR 124.10(c)(viii), and the appropriate units of State and local government, as specified in 40 CFR 124.10(c)(ix). This notification must be made within 90 calendar days after the change is put into effect. For the Class I modifications that require prior Director approval, the notification must be made within 90 calendar days after the Director approves the request.
 - (iii) Any person may request the Director to review, and the Director may for cause reject, any Class I modification. The Director must inform the permittee by certified mail that a Class I modification has been rejected, explaining the reasons for the rejection. If a Class I modification has been rejected, the permittee must comply with the original permit conditions.
- (2) Class I permit modifications identified in Appendix I of 40 CFR Part 270 shall be made only with the prior written approval of the Director.
- (3) For a Class I permit modification, the permittee may elect to follow the procedures in 40 CFR 270.42(b) for Class 2 modifications instead of the Class I procedures. The permittee must inform the Director of this decision in the notice required in 40 CFR 270.42(b)(1).
- (b) Class 2 modifications.
- (1) For Class 2 modifications, listed in Appendix I of 40 CFR Part 270, the permittee must submit a modification request to the Director that:
- (i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit.

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.42 (con't.)

- (ii) Identifies that the modification is a Class 2 modification.
 - (iii) Explains why the modification is needed.
 - (iv) Provide the applicable information required by 40 CFR 270.13 through 270.21, 270.62, and 270.63.
- (2) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in 40 CFR 124.10(c)(ix) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication. The notice must include:
- (i) Announcement of a 60-day comment period, in accordance with 40 CFR 270.42(b)(5), and the name and address of an Agency contact to whom comments must be sent.
 - (ii) Announcement of the date, time, and place for a public meeting held in accordance with 40 CFR 270.42(b)(4).
 - (iii) Name and telephone number of the permittee's contact person.
 - (iv) Name and telephone number of an Agency contact person.
 - (v) Location where copies of the modification request and any supporting documents can be viewed and copied.
 - (vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- (3) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- (4) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in paragraph (b)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.42 (con't.)

- (5) The public shall be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Agency contact identified in the public notice.
- (6) (iv) (A) Unless the Director acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.
 - (B) If the owner/operator fails to notify the public by the date specified in paragraph (b)(6)(iv)(A) of this section, the effective date of the permanent authorization will be deferred until 50 days after the owner/operator notifies the public.
- (c) Class 3 modifications.
 - (1) For Class 3 modifications listed in Appendix I of this section, the permittee must submit a modification request to the Director that:
 - (i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit.
 - (ii) Identifies that the modification is a Class 3 modification.
 - (iii) Explains why the modification is needed.
 - (iv) Provides the applicable information required by 40 CFR 270.13 through 270.22, 270.62, 270.63, and 270.66.
 - (2) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in 40 CFR 124.10(c)(ix) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication. The notice must include:

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.42 (con't.)

- (i) Announcement of a 60-day comment period, and a name and address of an Agency contact to whom comments must be sent.
- (ii) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with 40 CFR 270.42(c)(4).
- (iii) Name and telephone number of the permittee's contact person.
- (iv) Name and telephone number of an Agency contact person.
- (v) Location where copies of the modification request and any supporting documents can be viewed and copied.
- (vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- (3) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- (4) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in paragraph (c)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- (5) The public shall be provided at least 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Agency contact identified in the notice.
- (6) After the conclusion of the 60-day comment period, the Director must grant or deny the permit modification request according to the permit modification procedures of 40 CFR Part 124. In addition, the Director must consider and respond to all significant written comments received during the 60-day comment period.

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.42 (con't.)

- (d) Other modifications.
 - (1) In the case of modifications not explicitly listed in Appendix I of this section, the permittee may submit a Class 3 modification request to the Agency, or he or she may request a determination by the Director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the Agency with the necessary information to support the requested classification.
- (e) Temporary authorizations.
 - (1) Upon request of the permittee, the Director may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations must have a term of not more than 180 days.
 - (2) (i) The permittee may request a temporary authorization for:
 - (A) Any Class 2 modification meeting the criteria in paragraph (e)(3)(ii) of this section.
 - (B) Any Class 3 modification that meets the criteria in paragraph (3)(ii)(A) or (B) of this section; or that meets the criteria in paragraphs (3)(ii)(C) through (E) of this section and provides improved management or treatment of a hazardous waste already listed in the facility permit.
 - (ii) The temporary authorization request must include:
 - (A) A description of the activities to be conducted under the temporary authorization.
 - (B) An explanation of why the temporary authorization is necessary.
 - (C) Sufficient information to ensure compliance with 40 CFR Part 264 standards.
 - (iii) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Director and to appropriate units of State and local governments as specified in

Table 6

Resource Conservation and Recovery Act

Part 10. The Hazardous Waste Permit Program (con't.)

References

40 CFR 270.42 (con't.)

40 CFR 124.10(c)(ix). This notification must be made within seven days of submission of the authorization request.

(g) Newly regulated wastes and units.

- (1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under Part 261 of this chapter, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:
 - (i) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit.
 - (ii) The permittee submits a Class I modification request on or before the date on which the waste or unit becomes subject to the new requirements.
 - (iii) The permittee is in compliance with the applicable standards of 40 CFR Parts 265 and 266 of this chapter.
 - (iv) The permittee also submits a complete Class 2 or 3 modification request within 180 days of the effective date of the rule listing or identifying the waste, or subjecting the unit to RCRA Subtitle C management standards.
 - (v) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of Part 265 of this chapter for groundwater monitoring and financial responsibility on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, he or she will lose authority to operate under this section.
- (2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

Table 6

Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil

Authorizations

RCRA Sections 3001-3007

References

40 CFR 279.21

Standards for Used Oil Processors and Re-refiners - Notification

- (a) Identification numbers. Used oil processors and re-refiners who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.
- (b) Mechanics of notification. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:
 - (1) A completed EPA Form 8700-12 (To obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810); or
 - (2) A letter requesting an EPA identification number. Call RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:
 - (i) Processor or re-refiner company name.
 - (ii) Owner of the processor or re-refiner company.
 - (iii) Mailing address for the processor or re-refiner.
 - (iv) Name and telephone number for the processor or re-refiner point of contact.
 - (v) Type of used oil activity (i.e., process only, process and re-refine).
 - (vi) Location of the processor or re-refiner facility.

Standards for Used Oil Processors and Re-refiners - General Facility Standards

- (b) Contingency plans and emergency procedures. Owners and operators of used oil processing and re-refiners facilities must comply with the following requirements:
 - (6) Emergency procedures.

References

40 CFR 279.52

Table 6

Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil (con't.)

References

40 CFR 279.52 (con't.)

- (i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
 - (A) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel.
 - (B) Notify appropriate State or local agencies with designated response roles if their help is needed.
- (ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.
- (iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).
- (iv) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:
 - (A) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated.
 - (B) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR Part 1510), or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
 - (1.) Name and telephone number of reporter.
 - (2.) Name and address of facility.

Table 6

Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil (con't.)

References

40 CFR 279.52 (con't.)

- (3.) Time and type of incident (e.g., release, fire).
- (4.) Name and quantity of material(s) involved, to the extent known.
- (5.) The extent of injuries, if any.
- (6.) The possible hazards to human health, or the environment, outside the facility.
- (viii) The emergency coordinator must ensure that, in the affected area(s) of the facility:
 - (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed.
 - (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
 - (C) The owner or operator must notify the Regional Administrator and appropriate State and local authorities that the facility is in compliance with paragraphs (b)(6)(viii)(A) and (B) of this section before operations are resumed in the affected area(s) of the facility.
- (ix) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:
 - (A) Name, address, and telephone number of the owner or operator.
 - (B) Name, address, and telephone number of the facility.
 - (C) Date, time, and type of incident (e.g., fire, explosion).
 - (D) Name and quantity of material(s) involved.

Table 6

Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil (con't.)

References

40 CFR 279.52 (con't.)

(E) The extent of injuries, if any.

(F) An assessment of actual or potential hazards to human health or the environment, where this is applicable.

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

References

40 CFR 279.57

Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery - Operating Record and Reporting

(b) Reporting. A used oil processor/re-refiner must report to the Regional Administrator, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year:

(1) The EPA identification number, name, and address of the processor/re-refiner.

(2) The calendar year covered by the report.

(3) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.

References

40 CFR 279.62

Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery - Notification

(a) Identification numbers. Used oil burners which have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain an EPA identification number.

(b) Mechanics of notification. A used oil burner who has not received an EPA identification number may obtain one by notifying the Regional Administrator of their used oil activity by submitting either:

(1) A completed EPA Form 8700-12 (to obtain EPA Form 8700-12 call RCRA/Superfund Hotline at 1-800-424-9346 or 703-920-9810), or

Table 6

Resource Conservation and Recovery Act

Part 11. Standards for the Management of Used Oil (con't.)

References

40 CFR 279.62 (con't.)

- (2) A letter requesting an EPA identification number. Call the RCRA/Superfund Hotline to determine where to send a letter requesting an EPA identification number. The letter should include the following information:

- (i) Burner company name.
- (ii) Owner of the burner company.
- (iii) Mailing address for the burner.
- (iv) Name and telephone number for the burner point of contact.
- (v) Type of used oil activity.
- (vi) Location of the burner facility.

References

40 CFR 279.66

Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery - Notices

- (a) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that:
 - (1) The burner has notified EPA stating the location and general description of his used oil management activities.
 - (2) The burner will burn the used oil only in an industrial furnace or boiler identified in 40 CFR 279.61(a).
- (b) Certification retention. The certification described in paragraph (a) of this section must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner.

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks

Authorizations

RCRA Section 9002, 9003, 9005

References

40 CFR 280.22

UST Systems: Design, Construction, Installation, and Notification - Notification Requirements

- (a) Any owner who brings an underground storage tank system into use after May 8, 1986, must within 30 days of bringing such tank into use, submit, in the form prescribed in Appendix I of {40 CFR Part 280}, a notice of existence of such tank system to the state or local agency or department designated in Appendix II of {40 CFR Part 280} to receive such notice.

Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the designated state or local agency in accordance with the Hazardous and Solid Waste Amendments of 1984, Pub. L. 98-616, on a form published by EPA on November 8, 1985 (50 FR 46602) unless notice was given pursuant to section 103(c) of CERCLA. Owners and operators who have not complied with the notification requirements may use portions I through VI of the notification form contained in Appendix I of {40 CFR Part 280}.

- (b) In states where state law, regulations, or procedures require owners to use forms that differ from those set forth in Appendix I of {40 CFR Part 280} to fulfill the requirements of this section, the state forms may be submitted in lieu of the forms set forth in Appendix I of {40 CFR Part 280}. If a state requires that its form be used in lieu of the form presented in this regulation, such form must meet the requirements of Section 9002 of RCRA.
- (c) Owners required to submit notices under paragraph (a) of this section must provide notices to the appropriate agencies or departments identified in Appendix II of {40 CFR Part 280} for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation must file a separate notification form for each separate place of operation.
- (d) Notices required to be submitted under paragraph (a) of this section must provide all of the information in Sections I through VI of the prescribed form (or appropriate state form) for each tank for which notice must be given. Notices for tanks installed after December 22, 1988 must also provide all of the information in section VII of the prescribed form (or appropriate state form) for each tank for which notice must be given.
- (e) All owners and operators of new UST systems must certify in the notification form compliance with the following requirements:

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References

40 CFR 280.22 (con't.)

- (1) Installation of tanks and piping under 40 CFR 280.20(e).
- (2) Cathodic protection of steel tanks and piping under 40 CFR 280.20(a) and (b).
- (3) Financial responsibility under Subpart H of 40 CFR 280.22.
- (4) Release detection under 40 CFR 280.41 and 280.42.
- (f) All owners and operators of new UST systems must ensure that the installer certifies in the notification form that the methods used to install the tanks and piping complies with the requirements in 40 CFR 280.20(d).
- (g) Since October 24, 1988, any person who sells a tank intended to be used as an underground storage tank must notify the purchaser of such tank of the owner's notification obligations under paragraph (a) of this section. The form provided in Appendix III of {40 CFR 280.22} may be used to comply with this requirement.

References

40 CFR 280.34

UST Systems: Design, Construction, Installation, and Notification - Reporting and Recordkeeping

Owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to Section 9005 of Subtitle I of the Resource Conservation and Recovery Act, as amended.

- (a) Reporting. Owners and operators must submit the following information to the implementing agency:
 - (1) Notification for all UST systems (40 CFR 280.22), which includes certification of installation for new UST systems (40 CFR 280.20(e)).
 - (2) Reports of all releases including suspected releases (40 CFR 280.50), spills and overfills (40 CFR 280.53), and confirmed releases (40 CFR 280.61).
 - (3) Corrective actions planned or taken including initial abatement measures (40 CFR 280.62), initial site characterization (40 CFR 280.63), free product removal (40 CFR 280.64), investigation of soil and ground-water cleanup (40 CFR 280.65), and corrective action plan (40 CFR 280.66).

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References

40 CFR 280.34 (con't.)

References

40 CFR 280.50

- (4) A notification before permanent closure or change-in-service (40 CFR 280.71).

Release Reporting, Investigation, and Confirmation - Reporting of Suspected Releases

Owners and operators of UST systems must report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, and follow the procedures in 40 CFR 280.52 for any of the following conditions:

- (a) The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).
- (b) Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced.
- (c) Monitoring results from a release detection method required under 40 CFR 280.41 and 40 CFR 280.42 that indicate a release may have occurred unless:
 - (1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result, or
 - (2) In the case of inventory control, a second month of data does not confirm the initial result.

References

40 CFR 280.53

Release Reporting, Investigation, and Confirmation - Reporting and Cleanup of Spills and Overfills

- (a) Owners and operators of UST systems must contain and immediately clean up a spill or overfill and report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, and begin corrective action in accordance with Subpart F in the following cases:
 - (1) Spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons or another reasonable amount specified by the implementing agency, or that causes a sheen on nearby surface water.

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References

40 CFR 280.53 (con't.)

- (2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302).

- (b) Owners and operators of UST systems must contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons or another reasonable amount specified by the implementing agency, and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, or another reasonable time period established by the implementing agency, owners and operators must immediately notify the implementing agency.

Note: Pursuant to 40 CFR 302.6 and 355.40, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center under Sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.

References

40 CFR 280.60

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - General

Owners and operators of petroleum or hazardous substance UST systems must, in response to a confirmed release from the UST system, comply with the requirements of {40 CFR 280.60} except for USTs excluded under 40 CFR 280.10(b) and UST systems subject to RCRA Subtitle C corrective action requirements under Section 3004(u) of the Resource Conservation and Recovery Act, as amended.

References

40 CFR 280.61

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Initial Response

Upon confirmation of a release in accordance with 40 CFR 280.52 or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time determined by the implementing agency:

- (a) Report the release to the implementing agency (e.g., by telephone or electronic mail);

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References

40 CFR 280.62

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Initial Abatement Measures and Site Check

- (a) Unless directed to do otherwise by the implementing agency, owners and operators must perform the following abatement measures:
 - (1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment.
 - (2) Visually inspect any aboveground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and ground water.
 - (3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements).
 - (4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable State and local requirements.
 - (5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by 40 CFR 280.52(b) or the closure site assessment of 40 CFR 280.72(a). In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to ground water, and other factors as appropriate for identifying the presence and source of the release.
 - (6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with 40 CFR 280.64.
- (b) Within 20 days after release confirmation, or within another reasonable period of time determined by the implementing agency, owners and operators must submit a report to the implementing agency summarizing the initial abatement steps taken under paragraph (a) of this section and any resulting information or data.

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References

40 CFR 280.64

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Free Product Removal

- (d) Unless directed to do otherwise by the implementing agency, prepare and submit to the implementing agency, within 45 days after confirming a release, a free product removal report that provides at least the following information:
- (1) The name of the person(s) responsible for implementing the free product removal measures.
 - (2) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations.
 - (3) The type of free product recovery system used.
 - (4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located.
 - (5) The type of treatment applied to, and the effluent quality expected from, any discharge.
 - (6) The steps that have been or are being taken to obtain necessary permits for any discharge.
 - (7) The disposition of the recovered free product.

References

40 CFR 280.66

Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances - Corrective Action Plan

- (c) Upon approval of the corrective action plan or as directed by the implementing agency, owners and operators must implement the plan, including modifications to the plan made by the implementing agency. They must monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the implementing agency.
- (d) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and ground water before the corrective action plan is approved provided that they:

Table 6

Resource Conservation and Recovery Act

Part 12. Underground Storage Tanks (con't.)

References

40 CFR 280.66 (con't.)

- (1) Notify the implementing agency of their intention to begin cleanup.
- (2) Comply with any conditions imposed by the implementing agency, including halting cleanup or mitigating adverse consequences from cleanup activities.
- (3) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the implementing agency for approval.

References

40 CFR 280.71

Out-of-Service UST Systems and Closure - Permanent Closure and Changes-in-Service

- (a) At least 30 days before beginning either permanent closure or a change-in-service under paragraphs (b) and (c) of 40 CFR 280.71, or within another reasonable time period determined by the implementing agency, owners and operators must notify the implementing agency of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action. The required assessment of the excavation zone under 40 CFR 280.72 must be performed after notifying the implementing agency but before completion of the permanent closure or a change-in-service.